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THESIS

**LEVERAGING NATIONAL GUARD
COUNTERDRUG ASSETS FOR HOMELAND SECURITY**

by

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June 2004

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COUNTERDRUG ASSETS FOR HOMELAND SECURITY**

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ABSTRACT

This thesis describes how existing capabilities in the National Guard Counterdrug (NG CD) Support Program can be leveraged for use in Homeland Security (HLS) missions and explains what the implications are for organizing a NG HLS Support Program. National Guard CD assets should be made dual-use for HLS activities and additional missions should be added to the CD mission, leveraging existing resources for HLS prevention. The Governors will have the flexibility of having highly trained and equipped soldiers that can be utilized for HLS activities according to the needs of the state and the current threat level. An already established integrated program in West Virginia provided a suitable model for conducting a case study to determine additional missions to supplement the NG CD Support Program in other states. Examples of additional CD-HLS missions include CD intelligence analysts tracking suspicious activities and CD ground reconnaissance teams cross-trained to assist with the FSIVA mission for the protection of critical infrastructure. Potential challenges of integration identified include funding and personnel shortages along with legal restrictions. Solutions include developing stabilized and fenced funding with cross-leveling up to a designated threshold, adding more dual-use personnel and HLS core staffing, and amending the CD statute.

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I. INTRODUCTION

The CDSP [Counterdrug Support Program] demonstrates a model that provides an exponential improvement to the capabilities of every participating agency. It enhances the operations and interoperability of agencies by providing a mechanism to improve coordination, communications, training, and planning. How is this done? The CDSP can be thought of as the hub of a bicycle tire. The multiple agencies with a drug-related focus could be thought of as the tread of the tire. Spokes, obviously connect the hub to the tire. In this analogy, the spokes represent the conduits of information, coordination, and assistance that run between the CDSP hub and the individual agencies. Although the hub does not roll on the ground, it holds the wheel of agencies together and ultimately helps all agencies to roll more smoothly and effectively together. By functioning as a supporting agency, not a supported or primary agency, the CDSP produces a synergistic effect that improves all agencies. A similar approach might produce equally important improvements to agency cooperation, interoperability, and communications in the areas of preventing and responding to major acts of terrorism in our homeland.¹

—Major General Philip Oates, Adjutant General of Alaska
“Supporting the National Strategy For Homeland Security:
The Role Of The National Guard”

National Guard Counterdrug (CD) personnel and equipment should be made dual-use for Homeland Security (HLS) in order to leverage existing resources and act as a force multiplier that can provide a rapid, effective military response to HLS. If NG CD assets are expanded into HLS, the Governors will have the flexibility of having highly trained and equipped soldiers for HLS activities that can be utilized according to the needs of the state and the current threat level.

¹ Philip Oates. “Supporting the National Security for Homeland Security: The Role of the National Guard.” *Perspectives on Preparedness*. No. 8 (August 2002), 6-7.

In this thesis, the challenges of creating an integrated Counterdrug and Homeland Security Program will be explored and then recommendations for addressing the challenges will be presented. Specifically, an existing National Guard integrated Counterdrug and Homeland Security Program in West Virginia will be analyzed and the challenges this program faced in the areas of funding, personnel, and legal restrictions will be explored. A proposal for an integrated CD-HLS program that addresses these challenges will then be presented, including recommendations for specific HLS missions to supplement the existing NG CD Support Program.

A. DESCRIPTION AND SIGNIFICANCE OF PROBLEM

The terrorist attacks on September 11, 2001 highlighted the vulnerability of our nation and mobilized our country to strengthen our homeland security prevention and response efforts. The Department of Defense is currently in the process of defining its role in providing for the security of our homeland. Although the exact dimensions of the National Guard's role in homeland security have not yet been defined, it is clear that it will play some kind of role.

In recent years, the National Guard has been assigned a number of homeland security missions and all indications are that this role will only continue to increase in the future. The National Guard has a well-established domestic emergency response capability that can be built upon in the future to provide a significant response to domestic terrorism.² The National Guard in State status is not limited by Posse Comitatus, which restricts federal military personnel from providing assistance to law enforcement agencies. Congress has already tasked the National Guard with a role in homeland security. Since 1999, Congress has authorized and funded forty-four National Guard Weapons of Mass Destruction Civil Support teams. To date, thirty-two teams have been established, trained and equipped to support the local Incident Commander by

² Ibid., 2.

identifying Chemical, Biological, Radiological, Nuclear, and High Yield Explosive (CBRNE) substances, assessing consequences and advising on a suitable response.

The National Guard was called out in the aftermath of September 11th to play a homeland security role. The National Guard was prepared and responded immediately to numerous calls for assistance by civilian authorities at both the World Trade Center and the Pentagon. The New York National Guard assisted law enforcement agencies with security missions and they supported first responders with recovery efforts. The Air National Guard flew Combat Air Patrol missions over U. S. cities to protect American airspace. The President asked the Governors to protect the airports and within hours National Guard personnel responded. The Governors utilized National Guard forces to protect critical infrastructure in their respective states including bridges, nuclear power plants, and federal buildings. The President activated additional National Guard troops to augment security at the borders to facilitate the flow of commerce.

On February 15, 2001, the influential Hart-Rudman Commission recommended in their Phase III report that the Secretary of Defense designate homeland security as a primary mission for the National Guard and organize, equip and train the National Guard to do that mission.³ Recently, the National Guard Bureau itself has reorganized to define its role in homeland security. On July 1, 2003, the Chief of the National Guard Bureau, Lieutenant General H. Steven Blum, combined the Counterdrug and Homeland Defense responsibilities under single leadership at the National Guard Bureau.⁴ General Blum also recommended to all of the Adjutants General to reorganize into Joint State Headquarters and consolidate some of their functions by October 1, 2003. In twenty-five states, the Adjutant General also serves as the highest-ranking

³ U. S. Commission on National Security. *Road Map for National Security: Imperative for Change, Phase III Report* (Washington, D. C.: U. S. Commission on National Security/21st Century, February 15, 2001), 25.

⁴ National Guard Bureau, *Organization and Functions of National Guard Bureau*, Provisional Memorandum, (Arlington, VA: National Guard Bureau Office of the Chief, 2003), .33.

civilian Emergency Management Official in the state and in fifteen states, the Adjutant General serves as the homeland security advisor.⁵

In sum, it is clear that the National Guard is expected to play some role in homeland security. There is a question about the exact dimensions of this role. This thesis will propose that NG CD personnel should be made dual-use for HLS. From its creation in 1989, this program has been successful in assisting Federal, State, and local law enforcement agencies and community based organizations fight the war on drugs throughout all 54 States and Territories. Support for the creation of an integrated Counterdrug-Homeland Security Program is evident among some Adjutants General. In this new post 9/11 environment, there is a need to leverage existing capabilities to support NG HLS activities. The realization that the Department of Defense has not yet defined its prevention role for HLS and that states will turn to the NG for support as they are faced with the need to prevent attacks serves as the departure point for this study.

B. METHODOLOGY OF RESEARCH

This thesis took two main approaches to determining whether and how CD assets could be leveraged for homeland security tasks. First, it carried out a systematic comparison of existing CD capabilities and possible HLS missions that might be assigned to the National Guard, based on a review of Congressional, Pentagon, NORTHCOM, and National Guard policy statements and documents. Second, NG State CD coordinators completed a written survey to determine which States have integrated CD-HLS programs and to identify the challenges and possible solutions of integration. Finally, a state integrated plan was researched in detail through a series of interviews, emails, and phone calls

⁵ Congress, House of Representatives, Government Reform Committee, *Transforming the National Guard; Resourcing for Readiness*, Testimony by Major General Tim Lowenberg, 108th Cong., 2d sess., April 29, 2004, 2-3 [Transcript on-line], available from <<http://reform.house.gov/UploadedFiles/Washington%20-%20Lowenberg.pdf>>; Internet; accessed on 30 May 2004.

with key actors in the National Guard Counterdrug Support Program. Based on this research, the thesis proposes a State integrated CD-HLS program that includes supplemental missions for the existing CD Support Program.

C. OVERVIEW

The five chapters in this thesis assist the reader in answering the following questions: How can existing capabilities in the CD Support Program be leveraged for use in HLS missions? What are the implications of this for how a NG HLS Support Program should be organized? This chapter describes the problem and its significance.

Chapter II presents a comprehensive analysis of the NG domestic response capability before, during, and after September 11, 2001. The National Guard played a significant domestic role before 9/11 in responding to state emergencies, WMD incidents and supporting law enforcement agencies (LEA's) in drug control efforts. After 9/11, Congress, DOD and the National Guard have leveraged consequence management capabilities in order to provide an enhanced response to terrorist attacks but they have not focused on prevention efforts. Three efforts to assist with prevention will be analyzed including employing FSIVA teams for critical infrastructure protection, allowing intelligence analysts to participate in intelligence fusion centers to provide increased situational awareness and embedding NG personnel in law enforcement agencies to provide a synergistic effort for HLS interagency coordination.

Chapter III matches CD capabilities up to HLS requirements in the following areas: legal authority and regulatory guidance, personnel, equipment, and training. The National Guard has the appropriate regulations in place for supporting law enforcement operations and NG CD personnel are accustomed to following them. There is a full-time Title 32 organizational structure in place with the NG CD program. Special CD equipment exists that can enhance HLS efforts. In addition, National Guard CD personnel not only receive unique

training during the week but they also continue to train with their wartime unit on the newest military equipment. Proposals from other NG CD Coordinators regarding additional HLS missions for CD-HLS dual-use programs were presented in this chapter. These include using National Guard CD schools to teach LEA's involved in Counterterrorism activities, Air and Ground CD assets to transport first responders to an incident, and reconnaissance assets to increase situational awareness for LEA's. A case study of an established CD-HLS dual-use program in West Virginia is also examined. In West Virginia, among other CD-HLS missions, CD intelligence analysts track suspicious activities in addition to drug trafficking and CD ground reconnaissance teams have been cross-trained to conduct vulnerability assessments for critical infrastructure.

Chapter IV examines a proposal for CD-HLS integration, which includes making CD forces dual-use for HLS missions and adding HLS missions to the CD Support Program, such as Reaction Force, FSIVA team, interagency coordination, CD-HLS intelligence analysis, and aerial and surface reconnaissance. In addition, the following challenges are analyzed in detail: lack of funding, lack of personnel, and legal restrictions. Solutions to meet the challenges are then presented including developing stabilized and fenced funding with cross-leveling up to a designated threshold, adding more dual-use personnel and HLS core staffing, and amending the CD statute.

Chapter V presents conclusions from the case study, including a summary of key findings and recommendations for a CD-HLS dual-use program. Considerations for future study are suggested. These include specifying the requirements of HLS for the NG and determining the balance between the NG role of supporting civilian authorities domestically and acting as a reserve for the Active components.

II. LEVERAGING EXISTING CAPABILITIES: THE NATIONAL GUARD'S HLS ROLE TO DATE

We will leverage the units, training and resources in our existing warfighting capabilities to expand and enhance the roles we can perform in homeland security. We will make smarter use of force structure, leveraging capabilities and making minor modifications to mission-essential task lists to geometrically increase capabilities. We will provide capabilities in force packages, built from standardized warfighting units. We will raise the threshold at which commitment of federal military resources to nonwarfighting tasks becomes necessary.⁶

—Lieutenant General H Steven Blum, Chief of National Guard Bureau “The Army National Guard – Back to the Future”

The National Guard has been involved with defending America's homeland for hundreds of years and will continue for the unforeseeable future. The new Chief of National Guard Bureau, Lieutenant General Blum, has made it clear to the National Guard as well as various audiences in the Pentagon and Congress, the vision for the National Guard is to transform for the future using existing capabilities to improve its HLS response. This chapter will present a detailed description and analysis of the NG's existing capabilities and the extent to which they have been leveraged to fulfill DOD's HLS mission.

The chapter shows that the National Guard played a significant domestic role before September 11th in responding to natural disasters, WMD and supporting LEA's in drug control efforts. Since the terrorist attacks of September 11, 2001, Congress, DOD and the NG itself have leveraged the first two capabilities for consequence management (i.e., responding to terrorist attacks). Congress has funded additional Weapons of Mass Destruction-Civil Support Teams (WMD-CSTs) and the National Guard is staffing a plan to implement

⁶ H. Steven Blum, Lieutenant General, “The Army National Guard – Back to the Future,” *Association of the United States Army's Institute of Land Warfare* no. 03-3 (September 2003): 3.

Force Capability packages primarily geared toward operating in a CBRNE environment including NG Reaction Forces designed to provide a quick response to a terrorist attack.

For the most part, the National Guard has not leveraged three existing CD capabilities that could be used to fulfill DOD's role of helping civilian agencies prevent terrorist attacks. First, critical infrastructure protection requires Full Spectrum Integrated Vulnerability Assessment (FSIVA) teams to conduct vulnerability assessments, teach civilian organizations about protection measures, and devise crisis response plans. Second, although the intelligence role for the National Guard is largely undefined, National Guard personnel should participate in state intelligence fusion centers assisting with intelligence analysis and passing critical intelligence to the new NG intelligence staff as well as NORTHCOM, NGB, and DOD. Third, interagency coordination is a required capability for Northern Command to provide a synergistic effort among many different agencies. To assist with interagency coordination, NORTHCOM requires embedding DOD resources within the response plans of civilian agencies. Except for Counterdrug issues, the NG does not currently provide for interagency coordination with law enforcement agencies.

A. THE NATIONAL GUARD'S DOMESTIC ROLE BEFORE AND DURING SEPTEMBER 11, 2001

The National Guard has a well-established domestic emergency response capability that can be built upon in the future to provide a significant response to domestic terrorism.⁷ The National Guard enhances the states response capability by providing a trained, disciplined, organized, and equipped military force for immediate employment by the Governors during natural disasters and domestic emergencies.

⁷ Oates, The Role of the National Guard, 2.

The National Guard has been informally assisting in the protection of national security since 1977 when the Hawaii NG flew drug law enforcement officers during a mission called Operation Green Harvest.⁸ During the following years, the National Guard from other states joined Hawaii in counterdrug activities but the NG didn't officially receive the counterdrug mission until 1989.⁹ Congress put the Department of Defense in charge of "detection and monitoring aerial and maritime transit of illegal drugs into the United States"¹⁰ and established the NG CD Support Program to assist the drug control efforts of local, State, and Federal law enforcement agencies (LEA's).

The nature of warfare changed in the 1990's. The lethality of terrorist threats against targets in the United States began to increase with the bombing of the World Trade Center in 1993. America also faced more dangerous threats from the use of Weapons of Mass Destruction. That same year, Under Secretary of State Bartholomew testified before the House Armed Services Committee and stated that "We are especially concerned about the spread of biological and toxin weapons falling into the hands of terrorists...To date we have no evidence that any known terrorist organization has the capability to employ such weapons...However, we cannot dismiss the possibilities...It may be only a matter of time before terrorists do acquire and use these weapons."¹¹

America endured another attack in 1995 when the Murrah Federal Building in Oklahoma City was bombed. Shortly after the incident in June 1995, Presidential Decision Directive 39 (along with Presidential Decision Directive 62

⁸ Elizabeth E. Dreiling. *The National Guard: A Future Homeland Security Paradigm?* (Fort Leavenworth, KS: United States Army Command and General Staff College, 2002), 22.

⁹ Ibid., 22-23.

¹⁰ Ibid., 23.

¹¹ Department of Defense, *Integrating National Guard and Reserve Component Support for Response to Attacks Using Weapons of Mass Destruction*. (Washington, D.C.: U.S. Department of Defense, January 1998.), 4.

issued in 1998) tasked Federal agencies to develop effective consequence management capabilities, including rapidly deployable teams that would respond to a terrorist attack and coordinate with other agencies.¹² In addition, the Defense Against Weapons of Mass Destruction Act of 1996 (also referred to as the Nunn-Lugar-Dominici bill) provided authorization and funding for Federal agencies to assist first responders by increasing its “ability to deter, prevent, respond to, and recover from terrorist attacks involving WMD.”¹³

In 1997, the Deputy Secretary of Defense directed a group of experts, known as the “Tiger Team” to develop a plan to integrate National Guard and Reserve support in response to a WMD attack. The Tiger Team conducted an analysis of current Department of Defense WMD capabilities and determined that the Department of Defense was insufficiently prepared.¹⁴ As a result, the plan outlined a future capability, called Rapid Assessment and Initial Detection (RAID) elements, to enhance its WMD response.¹⁵

In Fiscal Year 1999, Congress authorized ten of these National Guard RAID elements - now called Weapons of Mass Destruction Civil Support Teams (WMD-CSTs) - to be established, trained, and equipped. Each team is composed of 22 members of the Army and the Air National Guard. The WMD-CST’s were then expanded with an additional seventeen teams authorized by Congress in Fiscal Year 2000 and another five teams authorized in Fiscal Year 2001. All thirty-two WMD-CST’s are assigned to their Governor for a rapid response in support of the local Incident Commander. The mission of the WMD-

¹² Bogart III, Adrian T., “Weapons of Mass Destruction Civil Support Teams,” *Army Logistician* 33, no. 4, (Jul/Aug 2001): 21 [database on-line]; available from ProQuest; Internet; accessed 2 February 2003.

¹³ Ibid.

¹⁴ Department of Defense, *Integrating National Guard and Reserve Component Support for Response to Attacks Using Weapons of Mass Destruction*, 8.

¹⁵ Ibid., 20.

CST is to aid civil authorities by “identifying CBRNE [Chemical, Biological, Radiological, Nuclear, and High Yield Explosive] agents/substances, assessing current and projected consequences, advising on response measures, and assisting with appropriate requests for state support.”¹⁶

The nature of warfare changed again on September 11th, 2001. People reacted in horror when they learned terrorists flew American commercial aircraft into the World Trade Center and the Pentagon. The National Guard was prepared and responded immediately. Forces were quickly deployed to the World Trade Center and the Pentagon. The New York National Guard, including its WMD-CST, responded to numerous calls by civilian authorities for assistance and National Guard CD units provided aviation support to the incident sites.

The National Guard has been defending the homeland and providing support to civil authorities since its inception in colonial Massachusetts in 1636. However, the nature of warfare has changed drastically over the last ten years which means the nature and importance of the homeland security mission for the National Guard has also changed. The possibility for future terrorist attacks on U. S. soil is significant. President Bush has declared a war on terrorism. The role of the National Guard has evolved over time and must continue to evolve to meet this new reality.

B. THE NATIONAL GUARD’S HOMELAND SECURITY MISSION AFTER SEPTEMBER 11, 2001

The military has not previously carved out unique capabilities for homeland security because if they did, that might give the perception that military

¹⁶ Office of the Assistant Secretary of Defense, *The DoD Role in Homeland Security*, Defense Study and Report to Congress (Arlington, Virginia: Office of the Assistant Secretary of Defense for Homeland Defense, July 2003), 7.

units don't need their current structure for the warfight.¹⁷ However, the terrorist attacks on New York City and Washington D. C. highlighted the vulnerability of our nation and mobilized our country to strengthen our homeland security prevention and response efforts. The National Guard must now have the flexibility to respond effectively to a wide variety of situations in the new uncertain environment that America faces after the attacks on September 11th, 2001. Both National Guard CD units and the WMD-CST's have responded to requests for HLS support since the horrific attacks. Counterdrug units have provided aviation assistance to assist with protecting critical infrastructure and securing the Northern Border. The WMD Civil Support Teams have responded to hundreds of requests for assistance with hazardous materials including events such as the Anthrax attacks, the Olympics at Salt Lake City, Utah and the Space Shuttle Columbia crash site.

America is now faced with a new security environment and must be prepared for the next terrorist attack. The military needs to plan new homeland security missions. Shortly after the attacks on September 11, 2001, the Defense Department released its latest Quadrennial Defense Review (QDR), which marked a significant shift in the military's priorities and determined that homeland security would be the "primary mission of the Reserve Components".¹⁸ The National Guard augments the Army and the Air Force. The Active Components are the primary military response for the warfight overseas. As a result, they might not have enough personnel to respond to domestic emergencies here at home. Since the National Guard only provides a reserve response capability to both the Active Army and the Air Force overseas, they are more readily available to respond to acts of terror in the United States.¹⁹

¹⁷ Lynn E. Davis and Jeremy Shapiro, *The U.S. Army and the New National Security Strategy* (Santa Monica, CA: RAND, 2003), 64, Book on-line; available from <<http://www.rand.org/publications/MR/MR1657>>, Internet; accessed March 4, 2004.

¹⁸ Department of Defense, *Quadrennial Defense Review Report*, Washington, D.C.: Government Printing Office, September 30, 2001), 30.

¹⁹ Ibid.

The QDR presents current and future capabilities and requirements for the military. However, the latest guidance released in 2001 did not give specific guidance on types of homeland security capabilities that are required. According to the Center for Defense Information, “The Defense Department has said that final requirements will not be set before the 2005 Quadrennial Defense Review.”²⁰ Although final requirements have not been set, Congress, the Pentagon, NORTHCOM, and the National Guard itself have been engaged in efforts to delineate the role the National Guard will play in supporting homeland security efforts. To date, most of the focus post 9/11 has been on leveraging the National Guard’s consequence management capabilities as described below.

1. Congress Funds Additional WMD-CSTs

Congress recognized the valuable capabilities of the National Guard and in Fiscal Year 2003, directed the Secretary of Defense to develop a plan for creating twenty three additional WMD-CSTs. This authorization would bring the total WMD-CST’s to 55, which is at least one team in every state and territory of the United States. Funding for twelve of these new teams followed in Fiscal Year 2004 and the teams are now being trained and equipped.

2. DOD and Northern Command Focus on Consequence Management

On October 1 2002, the Department of Defense consolidated several military missions under a single command, called United States Northern Command (NORTHCOM). Its mission is as follows:

²⁰ Colin Robinson, *Homeland Security Requirements and the Future Shape of the Army National Guard* (Washington, D.C: Center for Defense Information, September 4, 2003), 3.

Conduct operations to deter, prevent, and defeat threats and aggression aimed at the United States, its territories, and interests within the assigned area of responsibility (AOR); and As directed by the President or Secretary of Defense, provide military assistance to civil authorities including consequence management operations.²¹

Thus far, this mission has been interpreted in a fairly narrow fashion. Mr. Verga, Deputy Assistant Secretary for Homeland Defense, describes three situations where DOD forces would be deployed, which are extraordinary, emergency, and temporary. In extraordinary situations, also known as homeland defense missions, DOD would have the lead role and would deploy conventional forces such as Combat Air Patrols.²² The next two situations are civil support missions and include emergency situations or natural disasters and temporary, narrow-focused situations such as the Super Bowl.²³ In both of these situations, the Department of Defense would be in a supporting role to the lead federal agency.

Northern Command as well as the civilian agencies it supports are still in the process of defining their roles. So far, the command has interpreted its civil support mission to be largely focused on consequence management even though their mission statement includes preventing terrorist attacks. The one exception seems to be the emphasis on increasing DOD intelligence efforts.

President Bush directed various elements within the intelligence community, including members from the Central Intelligence Agency, the Federal Bureau of Investigations, the Department of Homeland Security and the Department of Defense, to merge into a single organization called the Terrorist

²¹ Peter Verga. "NORTHCOM: Questions and Answers on the Eve of Implementation," [Transcript of speech presented at the Heritage Foundation] Washington, D.C., Heritage Foundation, September 26, 2002, 4, WebMemo #152; available from <<http://heritage.org/research/HomelandDefense/wm152.cfm?renderforprint=1>>; Internet; accessed 29 May 2004.

²² Ibid., 2.

²³ Ibid., 2-3.

Threat Integration Center (TTIC).²⁴ This organization is designed to help create a single intelligence picture, including domestic and foreign information, for assessing the terrorist threat and assisting with HLS intelligence fusion efforts.

Congress also wanted to enhance HLS intelligence efforts and created a new position within DOD called the Under Secretary of Defense for Intelligence with the passage of the FY03 National Defense Authorization Act. The mission of this new office is to advise the Secretary of Defense and his deputy and Combatant Commanders on intelligence matters. Secretary McHale testified that the contribution of the Under Secretary of Defense for Intelligence to homeland security will be to “define and provide oversight for the Defense Department’s participation in national Indications and Warning.”²⁵ The military depends on intelligence for Indications and Warning to counter the threat. It includes any information relating the activities of hostile forces to include their intentions.

Northern Command also has a critical need for actionable intelligence from government and intelligence agencies. In response to this need, NORTHCOM created a Combined Intelligence and Fusion Center.²⁶ General Eberhart testified that the intelligence goal for NORTHCOM is “to help connect the dots to create a clear threat picture, playing our appropriate military role as part of the interagency team.”²⁷

²⁴ U.S. White House, “Fact Sheet: Strengthening Intelligence to Better Protect America.” January 28, 2003, available from <<http://www.whitehouse.gov/news/releases/2003/01/print/20030128-12.html>>; Internet; accessed 29 May 2004.

²⁵ U.S. Congress, House of Representatives. Committee on Armed Services, Terrorism, Unconventional Threats and Capabilities Subcommittee. *Force Protection Policy: The role of the Department of Defense and the National Guard in homeland security*, Opening Statement by Assistant Secretary Paul McHale, 108th Cong., 1st sess., March 13, 2003, 5 [Transcript on-line]; available from <<http://www.house.gov/hasc/openingstatementsandpressreleases/108thcongress/03-03-13mchale.html>>; Internet; accessed May 30, 2004.

²⁶ U.S. Congress, House of Representatives, Committee on Armed Services, Fiscal Year 2004 National Defense Authorization Budget, Opening Statement by General Ralph E. Eberhart. 108th Cong., 1st sess., March 13, 2003, 4 [Transcript on-line]; available from <<http://www.house.gov/hasc/openingstatementsandpressreleases/108thcongress/03-03-13eberhart.html>>; Internet; accessed May 30, 2004.

²⁷ Ibid.

3. National Guard Develops Capability Packages

Long before NORTHCOM was established, DOD directed efforts toward improving its CBRN capabilities in response to the passage of the 1996 Defense Against Weapons of Mass Destruction Act²⁸ and this emphasis continues today. More recently, in a Report to Congress, the Department of Defense stated “Army and Air National Guard forces, acting under state authority (i.e. not in federal service), have primary responsibility for providing military assistance to state and local governments in civil emergencies within their respective states.”²⁹ Since the National Guard is the first military force to assist civilian authorities in dealing with any domestic crisis, it needs to be capable of responding to all state emergencies, including incidents involving CBRNE.

The Secretary of Defense recently introduced a new capabilities-based planning process for determining military requirements, which represents a bold shift from the threat-based planning process used during the last forty years.³⁰ As a result, all of the military services, including the National Guard, are currently working on integrating their capabilities into this new planning process. The National Guard’s focus is on developing force capability packages for conducting operations in a domestic CBRNE environment, in response to Northern Command’s request for capabilities in this area.

The National Guard already has a baseline capability to provide State emergency response and to act as a reserve to the Army and Air Force for the overseas warfighting mission. The NG now seeks to build on its unique

²⁸ Department of Defense, *Integrating National Guard and Reserve Component Support for Response to Attacks Using Weapons of Mass Destruction*, IV.

²⁹ Office of the Assistant Secretary of Defense, *The DoD Role in Homeland Security*, Defense Study and Report to Congress, 7.

³⁰ Donald H. Rumsfeld, *Annual Report to the President and Congress*, (Washington, D.C.: Department of Defense, 2003), 2.

capability to provide rapid response and command and control in emergency situations. In a proactive year-long effort by the NGB to get National Guard capabilities funded, staff officers aggressively coordinated a plan to use existing personnel, training and equipment and adjust force structure as necessary to enhance its homeland security role.³¹ At the heart of this effort are four National Guard force capability packages where the personnel will be trained for the overseas warfight but can also be used effectively for operating in a domestic CBRNE environment.³² The following force capability packages were coordinated with NORTHCOM (along with the continued fielding of National Guard Civil Support Teams): converting each state headquarters to a Joint Force Headquarters; task organizing 12 regional National Guard CBRNE Enhanced Response Force Packages; and establishing National Guard Reaction Forces and Full Spectrum Integrated Vulnerability Assessment Teams in each state.³³

First, the Adjutants General have consolidated their structure into Joint Force Headquarters on October 1, 2003 in order to provide a more efficient response to homeland security demands. This structure provides a single source in every state for military support. In addition, on July 1, 2003, the Chief of the National Guard Bureau, Lieutenant General Blum, implemented his reorganization plan for the Staff Headquarters at National Guard Bureau in Arlington, Virginia. As part of his plan, he combined the Counterdrug and Homeland Defense responsibilities under single leadership. The two staff sections at National Guard Bureau will coordinate with each other when

³¹ Blum, "The Army National Guard – Back to the Future," 3.

³² Ibid.

³³ Steve Wright, National Guard Bureau J-3 Staff, Telephone and email interview by author, 2 March 2004.

Counterdrug personnel and equipment are needed to support a disaster or Weapon of Mass Destruction (WMD) event.³⁴

Second, the National Guard CBRNE Enhanced Response Force Package (NG CERFP) is a task force, located in each FEMA region, which would supplement the Civil Support Team (CST) when requested by the Incident Commander through the State Emergency Operations Center. The NG CERFP would be composed of the 22 member CST plus 15 medical, 30 chemical, 30 engineering and 30 security personnel. The additional manpower would provide emergency medical treatment, decontamination, casualty search, extraction and security.³⁵

Third, the NG Reaction Force is a battalion-minus sized element of existing personnel in each state with a company as a rapid deployment force. The company will respond within four hours with a follow on battalion-minus element that will respond between 4 and 24 hours to assist with security and force protection missions.³⁶

Fourth, one Full Spectrum Integrated Vulnerability Assessment (FSIVA) Team would be located in each state and territory and composed of fourteen existing Army and Air National Guard members. The FSIVA teams would provide vulnerability assessments and conduct planning necessary to deploy soldiers to protect critical infrastructure for State and DOD facilities.³⁷ The

³⁴ National Guard Bureau, *Organization and Functions of National Guard Bureau*, 33.

³⁵ National Guard Bureau, "Requirements Process General Officer Working Group," draft briefing slides, Arlington, Virginia, National Guard Bureau, 16 October 2003, 81.

³⁶ Ibid., 60, 61, 65.

³⁷ National Guard Bureau, "Requirements Process General Officer Working Group," briefing slides, Arlington, Virginia, National Guard Bureau, 16 October 2003, 81 and National Guard Bureau, *National Guard Posture Statement*, Fiscal Year 2005, Posture Statement presented to the 108th Cong., 2d sess. (Arlington, VA.: National Guard Bureau, 2004), 44.

FSIVA mission also includes conducting training to applicable civilian agencies on protection measures.³⁸

The process to develop the force capability packages provided the Adjutants General of each State and territory an opportunity to be involved in developing requirements for homeland security. Three of the force capability packages that have been identified fill a gap in Northern Command's critical capabilities.³⁹ Specifically, the NG CERFP aligns with NORTHCOM's critical capabilities of prompt and sustained operations and integrated command and control; the FSIVA teams align with NORTHCOM's critical capabilities of coordinated interagency activities, integrated force protection, and responsive CIP; and HD operational planning and support conducted by the Joint Force Headquarters aligns with NORTHCOM's critical capabilities of integrated command and control and coordinated interagency activities.⁴⁰ In addition, the creation of the NG Reaction Force fulfills a "NORTHCOM request for forces requirement."⁴¹ With the partial exception of the FSIVA teams, the NG force capability packages are devoted almost entirely to consequence management.

The force capability packages are currently being staffed within the Department of Defense. The Chief of National Guard Bureau and the Commander of Northern Command have approved them. Inadequate resourcing for the National Guard became part of Northern Command's highest priority requirements, was placed on its Integrated Priority List (IPL) and submitted to the

³⁸ National Guard Bureau, *National Guard Posture Statement*, Fiscal Year 2005, Posture Statement presented to the 108th Cong., 2d sess. (Arlington, VA.: National Guard Bureau, 2004), 44.

³⁹ Jimmy Stevens, National Guard Bureau J-3 Staff, Telephone and email Interview by author, 2 March 2004.

⁴⁰ Ibid.

⁴¹ Blum, "The Army National Guard – Back to the Future," 4.

Joint Staff.⁴² The current Fiscal Year 2005-2009 budget process, called the Program Objective Memorandum (POM), does not include funding for these NG capabilities.⁴³ Next steps in the approval and funding process are for the Joint Staff to coordinate with the Combatant Commanders and review the service program objectives in the Spring of 2004. If approved, the Chairman, Joint Chiefs of Staff will send it to the Secretary of Defense as input to the Fiscal Year 2006-2011 POM.

In addition to force capability packages, the National Guard Bureau has begun to formulate a contribution to DOD's increased role in providing intelligence to homeland defense and security efforts. The National Guard, at both the state and national levels, has created a brand new intelligence staff element. The National Guard Bureau has not had an intelligence directorate as part of its organizational structure until now and is in the process of defining its role. The NGB Intelligence officer serves as the advisor on intelligence issues for the Chief of NGB, the deputy Chief, and the Adjutants General and is currently working towards developing a "common operating system"⁴⁴ for all users to meet its goal of increasing intelligence sharing between the NG in each state, NORTHCOM, NGB and DOD.⁴⁵

C. EVALUATION OF NG RESPONSE AND UNRESOLVED ISSUES

Recent initiatives have done a very good job of defining the consequence management role for the National Guard within homeland security efforts,

⁴² Jimmy Stevens, National Guard Bureau J-3 Staff, Telephone and email Interview by author, 2 March 2004.

⁴³ Ibid.

⁴⁴ National Guard Bureau, 2004. *FY 2005 National Guard Posture Statement*. Arlington, Virginia, 45.

⁴⁵ Ibid.

effectively leveraging the National Guard's longstanding capabilities for responding to natural disasters and WMD attacks. This effort includes the development of NG Reaction Forces designed to provide a swift response to a terrorist attack. However, much less attention has been paid to the potential role the National Guard might play in the prevention of terrorist attacks through critical infrastructure protection, intelligence analysis, and interagency coordination for law enforcement. In part, this is because NORTHCOM's mission of prevention has not yet been clearly defined. But as NORTHCOM and actors at the state level work to define their responsibilities on this front, the need for NG support to these efforts will become clearer.

1. Consequence Management

National Guard Reaction Forces need to be ready to respond quickly to local, state, and federal requests for support. The National Guard is in the process of deciding what forces will make up the NG Reaction Forces. The personnel in each state need to be trained to conduct a wide variety of missions including the following: securing military forces including the WMD-CSTs, managing riots, protecting DOD installations, personnel, and equipment, establishing security check stations, and displaying military force.⁴⁶

2. Critical Infrastructure Protection

The FSIVA mission provides for intelligence analysis and vulnerability assessment and therefore is a notable exception to the otherwise overwhelming emphasis on consequence management in the NG's role. This is a particularly important role especially since the Assistant Secretary of Defense for Homeland Defense, Paul McHale, recently noted in April 2004, during a hearing before the

⁴⁶ National Guard Bureau, "Requirements Process General Officer Working Group," draft briefing slides, Arlington, Virginia, National Guard Bureau, 16 October 2003, 61.

House Government Reform Committee, it looks favorable for Critical Infrastructure Protection to become a core mission for the National Guard.⁴⁷ The National Guard is keenly aware of the vulnerabilities to critical infrastructure within their state and many Adjutant Generals serve in a dual role as their state Emergency Manager.⁴⁸

The FSIVA teams need to be trained to conduct vulnerability assessments of critical infrastructure at the state and federal levels. Their state mission is to “Provide a full spectrum of vulnerability assessments on critical industrial, economic, and protective infrastructure within the state.”⁴⁹ Their federal mission is to “Provide Joint Staff Integrated Vulnerability Assessments of DOD facilities (JSIVA) and assessments of the Defense Industrial Base.”⁵⁰ The National Guard is in the process of deciding what forces will make up the FSIVA teams. Members require intelligence analysis to conduct their mission and they need training skills to teach protection measures to civilian organizations. The size of the team being proposed may be insufficient given the massive responsibilities of the teams to include conducting vulnerability assessments, teaching organizations about protection measures, devising crisis response plans and presumably carrying out exercises to prepare for such a scenario.

⁴⁷ Doug Sample, “Guard, Reserve Cited for Improved Homeland Defense Capabilities,” American Forces Press Service, May 3, 2004; available from <http://www.defenselink.mil/news/May2004/n05032004_200405037.html>; Internet; accessed 21 May 2004.

⁴⁸ Jay Smith, *A Changing of the Guard: The U.S. National Guard and Homeland Defense*. Discussion Paper of the Belfer Center for Science and International Affairs and contribution of the Executive Session on Domestic Preparedness. (Cambridge, MA: John F. Kennedy School of Government, Harvard University, May 2003), 5.

⁴⁹ Ibid., 79.

⁵⁰ Ibid.

3. Intelligence Analysis

The intelligence role for the National Guard is largely undefined. National Guard personnel should participate in state intelligence fusion centers assisting with intelligence analysis and passing critical intelligence and “intelligence-based risk analysis”⁵¹ to the new NG intelligence staff as well as NORTHCOM, NGB, and DOD. The central mission of the National Guard is to support the states. National Guard participation is required in state intelligence fusion centers because intelligence capacity at the state level is least developed in contrast to the federal level and there needs to be a bridge between LEA and national security intelligence community. The National Guard is perfectly situated for this role since it can accomplish the mission respecting existing laws.

Major General Tim Lowenberg testified regarding the capabilities of the National Guard on April 29, 2004 before the House Government Reform Committee. He wears various hats in HLS, serving as the Adjutant General for the state of Washington, the Chair of Homeland Security for the Adjutants General Association of the United States, the Washington Emergency Management Official and a member of the Defense Science Board Summer Study on *DOD Roles and Missions in HLS*. General Lowenberg highlights in his testimony that military personnel are often the only people that have security clearances and the equipment capable of transmitting secure information, which makes the NG uniquely qualified to deal with secure information and intelligence.⁵² He also advocates involving the National Guard in state intelligence fusion efforts:

⁵¹ House Government Reform Committee, *Transforming the National Guard; Resourcing for Readiness*, Testimony by Major General Tim Lowenberg, 13.

⁵² Ibid., 14.

If the National Guard were more directly involved in the intelligence analysis centers in each state, Governors would be able to make more informed decisions about their state's homeland security risks and countermeasures.⁵³

4. Interagency Coordination for Law Enforcement

Northern Command has identified a required capability for interagency coordination in order to "Coordinate and synchronize NORTHCOM activities with International, national, DOD, and non-DOD departments and agencies to ensure mutual understanding and unity of effort."⁵⁴ One of NORTHCOM's enabling capabilities to assist with interagency coordination is to embed DOD resources within the response plans of civilian agencies, which would provide a faster, more synergistic response to a terrorist attack.⁵⁵ The National Guard has created a capability that responds to NORTHCOM's need for interagency coordination for Consequence Management with its WMD-CST's. These teams have started to become embedded in the plans of various first responders. However, except for counterdrug issues, the NG does not currently provide for interagency coordination with law enforcement agencies.

⁵³ Ibid., 14.

⁵⁴ Northern Command, "USNORTHCOM Critical Capabilities," Draft Briefing Slides, Colorado Springs, CO: Northern Command, 4 September 2003.

⁵⁵ Ibid.

III. THE POTENTIAL ROLE OF CD ASSETS WITHIN THE NG HLS MISSION

In every case I can think of at this moment, the actual work done by soldiers supporting the war on drugs would be virtually identical to the work required in the war on terror.⁵⁶

—National Guard State Counterdrug Coordinator, “Integration of the NG Counterdrug and Homeland Security Programs”

This chapter will illustrate how CD units might be used by the National Guard in support of civilian authorities engaged in homeland security. A highly skilled, equipped, and responsive full-time force that is adaptable to the needs of the governor and the Adjutant General already exists in every state. National Guard CD units currently perform duties that contribute to protecting the security of the United States. The first section of this chapter will present a comprehensive analysis of this issue, matching CD capabilities up to HLS requirements in the following areas: legal authority and regulatory guidance, personnel, equipment, training, and missions. Then proposals from other NG CD Coordinators for potential components of CD-HLS integrated programs will be presented. Finally, a case study of an established CD-HLS integrated program in West Virginia will be examined.

A. COMPARISON OF CD CAPABILITIES AND HLS REQUIREMENTS

In 1989, Congress created the National Guard Counterdrug Support Program in the National Defense Authorization Act and directed the National

⁵⁶ National Guard Counterdrug Coordinators, “Integration of the NG Counterdrug and Homeland Security Programs,” email survey by author, 6-25 February 2004.

Guard to provide counterdrug support to local, state, and Federal law enforcement agencies. Congress provided 40 million dollars to states that had submitted and received approval for their Governor's State Plans, which outlined how full-time National Guard personnel in their state will be utilized to support drug Law Enforcement Agencies (LEA's)⁵⁷ and Community Based Organizations. Each state developed a unique plan based on the needs of the state and the needs of local, state, and federal drug LEA's and submitted it to National Guard Bureau for review. Every year since its inception, the Counterdrug Support Program has received annual appropriations from Congress to fund personnel and equipment.

Today, the National Guard has Governor State Plans for conducting counterdrug activities in all 54 states and territories. Army and Air National Guard soldiers and airmen in every state help protect our country from the flow of illegal drugs into and within the U.S. The National Guard provides counterdrug support in two major areas: assisting law enforcement to stop the flow of drugs and assisting community based organizations to reduce the demand for drugs. There are six mission categories and eighteen missions authorized by the Secretary of Defense for the NG CD Support Program, as shown in Figure 3.1.⁵⁸

The NG in each state is under the control of the governor, when in Title 32 status, and "provides a non-hierarchical, legal, and rapid employment capability."⁵⁹ The Joint Force Headquarters in every state has vast experience working with outside agencies during domestic emergencies. The NG CD program is individually tailored and provides additional capability to the state headquarters in

⁵⁷ Dreiling, *The National Guard: A Future Homeland Security Paradigm?*, 23.

⁵⁸ Joint Chiefs of Staff, *Joint Counterdrug Operations*, Joint Pub 3-07.4. (Washington, DC: Joint Chiefs of Staff, 17 February 1998), III-32 [Publication on-line]; available from http://www.dtic.mil/doctrine/jel/new_pubs/jp3_07_4.pdf.>; Internet; accessed 30 May 2004.

⁵⁹ Dreiling, *The National Guard: A Future Homeland Security Paradigm?*, 72.

order to meet the needs of each state in the war on drugs.⁶⁰ If CD assets are made dual-use for HLS then existing resources will be leveraged to provide additional capability to each state in the war on terror.

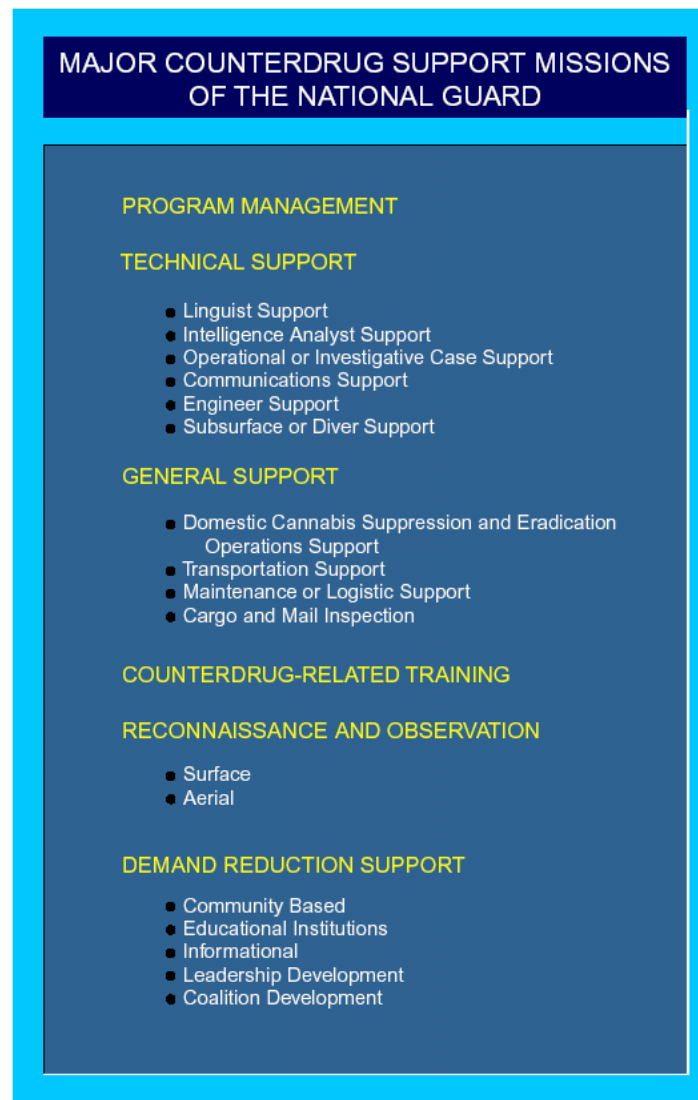


Figure 3.1 NG CD Missions (From JP 3-07.4, Joint CD Opns, III-32)

⁶⁰ Ibid., 73.

1. Legal Authority and Regulatory Guidance

National Guard personnel are ideally suited to perform HLS missions in Title 32 status for two reasons: the Posse Comitatus Act is not a restriction and public concerns will be eased. First, Title 18, Section 1385 of the US Code is the Posse Comitatus Act, which states “Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.”⁶¹ This act is designed to prevent federal soldiers from becoming a civilian police force⁶² and prohibits federal forces, operating in a Title 10 status, from performing law enforcement duties. In contrast, National Guard forces, operating in a Title 32 status, are exempt from Posse Comitatus. It is however important to note that DOD policy prevents the NG from “arresting suspects, conducting searches, or becoming involved in the chain of custody of evidence.”⁶³

National Guard CD personnel are particularly appropriate for HLS missions because they are trained and experienced in handling civil disturbances and following rules of engagement.⁶⁴ These rules are designed to ensure the safety of civilians. National Guard CD personnel also have more experience than other NG forces in working with law enforcement agencies legally. A survey respondent indicates “Many states have established legislation and controls to

⁶¹ John R. Brinkerhoff, “The Posse Comitatus Act and Homeland Security,” *The Journal for Homeland Security* February 2002. [Journal on-line]; available from <<http://www.homelandsecurity.org/journal/articles/displayArticle.asp?article=30>>; Internet; accessed 22 May 2004.

⁶² Bolgiano, “Working Within Posse Comitatus,” 17.

⁶³ Ibid., 19.

⁶⁴ Dreiling, *The National Guard: A Future Homeland Security Paradigm?*, 36.

allow NG CD personnel to support law enforcement, so it's not that big of a "legal leap" to support the LEA in HD. Law enforcement is law enforcement."⁶⁵

The National Guard has appropriate regulations for supporting law enforcement operations and CD personnel are accustomed to performing according to these rules. National Guard Regulation 500-2 (Air National Guard Instruction 10-801), titled *National Guard Counterdrug Support*, is the primary regulatory document for the NG CD support program providing detailed policy and implementing guidance, including types of missions, considerations for funding, training, equipment and personnel, legal issues, reporting requirements, and a description of the Governor's State Plan Process.⁶⁶ The regulation can be easily amended to include duties associated with CD-HLS integration. Chapter Seven of Army Field Manual 100-19, titled *Domestic Support Operations* outlines planning considerations for operations in support of law enforcement agencies including details on the Army CD Support Program and considerations for combating terrorism.⁶⁷

There are restrictions applied to the military on intelligence gathering domestically. These restrictions include "collecting, retaining, or disseminating information about the domestic activities of US citizens"⁶⁸ in accordance with Executive Order 12333. The FBI has been charged with this task. However, if a

⁶⁵ National Guard Counterdrug Coordinators, "Integration of the NG Counterdrug and Homeland Security Programs," email survey by author, 6-25 February 2004.

⁶⁶ Departments of the Army and the Air Force, National Guard Bureau, *National Guard Counterdrug Support*, National Guard Regulation 500-2/ANGI 10-801 (Arlington, VA: National Guard Bureau, 31 March 2000) [Regulation on-line]; available from <<http://www.ngbpdc.ngb.army.mil/pubfiles/10/10801.pdf>>; Internet; accessed 30 May 2004.

⁶⁷ Department of the Army, *Domestic Support Operations*, Field Manual 100-19 (Washington, DC: U.S. Department of the Army, 1 July 1993) [Field Manual on-line]; available from <<http://www.fas.org/irp/dodder/army/fm100-19>>; Internet; accessed 30 May 2004.

⁶⁸ David Bolgiano, "Military Support of Domestic Law Enforcement Operations: Working Within Posse Comitatus," *Law Enforcement Bulletin*, December 2001, [bulletin on-line]; available from <<http://www.fbi.gov/publications/leb/2001/december2001/dec01p21.htm>>, Internet; accessed 30 May 2004.

member of the military happens to run across anything suspicious in the course of performing their job then it is acceptable, and even expected, for them to pass the information to law enforcement.⁶⁹ There are two intelligence oversight documents that must be adhered to, which are DOD Directive 5240.1-R, *Procedures Governing the Activities of DoD Intelligence Components that Affect United States Citizens* and Army Regulation 381-10, *US Army Intelligence Activities*. DOD Directive 5240.1-R states National Guard personnel can only collect information if it is part of its mission.⁷⁰ Army Regulation 381-10 reiterates this limitation on the collection of information and states NG personnel can only retain information if it has been lawfully collected and disseminate information if there is a 'need to know'.⁷¹ National Guard CD intelligence analysts are used to operating according to these restrictions. They follow the rules while performing their current mission assisting counterdrug efforts.

2. Personnel

The National Guard Counterdrug Support Program has a full-time Title 32 organizational structure already in place. The National Guard does not own drug units on a manning document such as a Modification Table of Organization (MTOE) or Table of Distribution (TDA). Instead, the National Guard uses existing Army and Air National Guard manpower within the state to fulfill requirements. Personnel in the counterdrug program do not count against the authorized

⁶⁹ Ibid.

⁷⁰ Department of Defense, *Procedures Governing the Activities of DoD Intelligence Components that Affect United States Citizens*, DoD Directive 5240.1-R (Washington, D.C.: U.S. Department of Defense, 1982), 2-1. [Directive on-line]; available from <http://www.fas.org/irp/dodder/d5240_1_r/pdf>; Internet; accessed May 30, 2004.

⁷¹ Department of the Army, *US Army Intelligence Activities*, Army Regulation 381-10 (Washington, D.C.: U.S. Department of the Army, 1 July 1984), 1-4. [Regulation on-line]; available from <http://www.army.mil/usapa/epubs/pdf/r381_10.pdf>; Internet; accessed 30 May 2004.

endstrength for the reserve components.⁷² People are selected for the program based on their military skills or civilian expertise. The structure varies by state based on the drug threat and the governor's state plan.

The NG CD Support Program has been operational in local communities in every state and territory for the past fifteen years and its personnel have developed solid relationships, established trust, and increased communication with state, local, and federal law enforcement agencies and community based organizations, such as local police task forces, the Drug Enforcement Administration, Federal Bureau of Investigation, U.S. Customs, Immigration and Naturalization Service, U. S. Border Patrol, and U.S. Marshals. Counterdrug personnel perform duties in rural and urban areas as well as on U.S. borders. Intelligence Analysts within the counterdrug program already have necessary personnel security clearances and they have been trained on the law enforcement agency databases. On the survey responses, CD Coordinators indicated due to the established relationships in all of these communities, CD and HLS are "a natural partnership."⁷³

There are three additional characteristics of NG CD personnel that are a significant advantage for a HLS force. First, making CD personnel and equipment dual-use for CD and HLS support to law enforcement agencies is cost effective. During this period of constrained resources, making resources dual-use is a great advantage. Second, notwithstanding funding limitations and deployments, there is little personnel turnover of CD soldiers unlike their Active Duty counterparts who frequently make Permanent Change of Station (PCS) moves.⁷⁴ Third, the NG CD Support Program provides an established and successful command and control structure for each state. It is under the control

⁷² Dreiling, *The National Guard: A Future Homeland Security Paradigm?*, 36.

⁷³ Ibid.

⁷⁴ National Guard Counterdrug Coordinators, "Integration of the NG Counterdrug and Homeland Security Programs," email survey by author, 6-25 February 2004.

of the Adjutant General and Governor. The organizational structure provides great flexibility to the Governor who can then adapt the program with specialized personnel, training, and equipment. This flexibility makes the CD structure ideal for a HLS Program.

3. Equipment

The Counterdrug Congressional statute authorizes the National Guard to obtain unique equipment to support law enforcement agencies with counterdrug operations.⁷⁵ A similar approach can be used for HLS if Title 32, Section 112 of US Code is amended to include HLS activities. The specialized equipment that CD units already own, which is applicable to homeland security includes C-26 fixed wing aircraft, OH-58 helicopters, Light Armored Vehicles (LAV), Mobile Vehicle and Cargo Inspection System (MVACIS) and Ion Scanners.⁷⁶

The CD aircraft conduct missions that total over 40,000 flight hours annually.⁷⁷ Eleven C-26 aircraft are equipped with Forward Looking Infra-Red (FLIR) and video technology, which can be used to assist in conducting surveillance of vehicles, aerial transport of agents, and command and control.⁷⁸ A total of 116 Reconnaissance and Aerial Interdiction Detachment (RAID) OH-58 helicopters are in the CD program and are equipped with FLIR, searchlights, and

⁷⁵ Dreiling, *The National Guard: A Future Homeland Security Paradigm?*, 33.

⁷⁶ National Guard Bureau, "Counterdrug and Homeland Security," Draft Information Paper, Arlington, VA, 3 March 2003, 2 and National Guard Bureau, "Counterdrug Link to Homeland Security," Draft Information Paper, Arlington, VA, National Guard Bureau, 24 February 2002, 3.

⁷⁷ Science Applications International Corporation, *National Guard Bureau – Counterdrug Office's: Study on Counterdrug Personnel Combat Readiness – Final Report* (McLean, VA: Science Applications International Corporation, April 3, 2001), 13.

⁷⁸ National Guard Bureau, "Counterdrug Link to Homeland Security," Draft Information Paper, Arlington, VA, National Guard Bureau, 24 February 2002, 3 and National Guard Bureau, "Counterdrug and Homeland Security," Draft Information Paper, Arlington, VA, 3 March 2003, 2.

video technology, which can be used to assist law enforcement in conducting surveillance and tracking activities.⁷⁹

Counterdrug resources also consist of twelve LAVs, capable of carrying 8 to 12 people and transporting them into hazardous environments (except chemical) to assist Law Enforcement Agencies in maneuvering around harmful areas and to assist with command and control.⁸⁰ Two MVACIS assist in searching vehicles for concealed drugs, arms, or explosives in California and New York.⁸¹ In addition, Ion Scanners are used when looking for prohibited goods or explosives.⁸² Counterdrug personnel receive training on all of the specialized equipment mentioned above.

4. Training

Counterdrug personnel are trained on a Military Occupational Specialty (MOS)/Air Force Specialty Code (AFSC) and some also possess valuable civilian work experience.⁸³ A significant advantage of the organizational structure of the counterdrug program is that its personnel still train for their wartime mission with their unit on the newest military equipment. Just like the rest of the National Guard, counterdrug personnel train for their wartime mission as a reserve of the Active Components during weekend Inactive Duty Training/Inactive Duty and

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² National Guard Bureau, "Counterdrug Link to Homeland Security," Draft Information Paper, Arlington, VA, National Guard Bureau, 24 February 2002, 3.

⁸³ Dreiling, *The National Guard: A Future Homeland Security Paradigm?*, 78.

summer Annual Training.⁸⁴ However, counterdrug personnel also receive specialized counterdrug training during the week enhancing their military skills even more.⁸⁵ Other National Guard units only train 39 days a year. Therefore, counterdrug personnel maintain a greater military proficiency than part time (M-Day) personnel, by practicing their skills full-time.⁸⁶

A study was conducted by the Science Applications International Corporation to determine the combat readiness of NG Counterdrug personnel. On April 3, 2001, a report was submitted to NGB that included the following conclusion:

By having the opportunity to attend additional and more varied training, CD participants, in many cases, are better trained than non-CD participants. This training, while mainly CD related is valuable and is often applicable to military duties. . .Based on these facts it can be seen that most CD participants experience an increase individual readiness to some degree due to the CD sponsored training they attend.⁸⁷

A CD Coordinator indicated on the survey:

There are crossover areas in NG-CD and Homeland Defense (HD). Many of the skill sets for drug interdiction and terrorist interdiction missions are the same.⁸⁸

⁸⁴ Ibid., 36.

⁸⁵ Ibid., 36-37.

⁸⁶ Ibid., 37.

⁸⁷ Science Applications International Corporation, *Study on Counterdrug Personnel Combat Readiness – Final Report*, 6.

⁸⁸ National Guard Counterdrug Coordinators, "Integration of the NG Counterdrug and Homeland Security Programs," email survey by author, 6-25 February 2004.

B. PROPOSALS FOR POTENTIAL CD SUPPORT TO HLS

There are many NG missions, conducted by CD personnel, which are clearly relevant to DOD's role of Military Support to Civil Authorities for homeland security. The personnel in the CD program are well suited for defending the United States against terrorism because they have been trained to work with other agencies. The NG CD personnel have been integrated with local, state, and federal agencies since 1989 so relationships have been established. Since there are NG CD officers working in various agencies already, the NG Joint Force Headquarters can coordinate with them directly enhancing communications.

1. Training

Training is an area that many states would like to be involved with. Several states proposed allowing the counterdrug schools across the United States to teach courses to law enforcement agencies involved in counter-terrorism as well as counterdrug activities.⁸⁹ The National Guard CD program's well-established network of schools, which provides strategic, operational, and tactical training for NG personnel and state and local law enforcement agencies, could be easily adapted to provide training in support of homeland security missions. Five schools have been created across the country to teach tactical counterdrug courses. The schools are as follows: The Regional Counterdrug Training Academy (RCTA) in Meridian NAS, Meridian MS, the Multijurisdictional Counterdrug Task Force Training (MCTFT) in St Petersburg, Florida, the Northeast Counterdrug Training Center (NCTC) in Ft. Indiantown Gap, Pennsylvania, the Western Regional Counterdrug Training Center (WRCT) in

⁸⁹ National Guard Counterdrug Coordinators, "Integration of the NG Counterdrug and Homeland Security Programs," email survey by author, 6-25 February 2004.

San Luis Obispo, California, and the Midwest Counterdrug Training Center (MCTC) in Camp Dodge, Johnston, Iowa.⁹⁰ These courses are taught free of charge to law enforcement personnel as well as community-based organizations and military personnel.

National Guard Bureau estimates that seventy-five percent of courses taught at NG CD schools are also relevant to counterterrorism operations.⁹¹ The training varies at each school but some examples are classes on surveillance operations, investigative techniques, languages, and terrorist threats.⁹² One state proposed that this if the CD schools were integrated into HLS, training could include instruction on “tactics, techniques and procedures used to successfully operate a tactical insertion team on the borders and urban areas.”⁹³

2. Air and Ground Transportation

The New Jersey CD Support Program provides a good example of how National Guard CD assets can provide air and ground transportation and interagency coordination in support of the homeland security effort. The New Jersey CD Coordinator, Major John Sheard describes below a program where NJ

⁹⁰ National Interagency Civil Military, External Links “National Guard Bureau Schools,” available from <<http://www.nici.org/Links/links.html>>; Internet; accessed 30 May 2004.

⁹¹ National Guard Bureau, “Proposed changes to Congressional Language to allow Counterterrorism (CT) law enforcement agency (LEA) officers to attend training at the National Guard Counterdrug (CD) Schools,” Draft Information Paper, Arlington, VA, National Guard Bureau, 29 March 2002, 1.

⁹² Northeast Counterdrug Training Center, “Course Descriptions,” available from <<http://www.counterdrug.org/frames.html>>; Internet; accessed 30 May 2004.

⁹³ Ibid.

CD personnel help law enforcement agencies develop an execution plan to use CD aviation assets.⁹⁴

For interagency coordination, New Jersey CD is a lead agency in a supporting role. We coordinate air transportation assets from one agency to another bringing interoperability and uniqueness of the National Guard.⁹⁵

The agencies assisted by NJ CD include: FBI, DEA, US Postal Service, NJ State Police, and Department of Criminal Justice. Sheard also points out New Jersey CD personnel trained for this emergency support mission and executed it on September 11th, 2001 transporting first responders, by air, to ground zero when traffic on the ground was in gridlock.⁹⁶ Due to their lack of aviation assets, the Police in some states, such as New Jersey have a need for NG CD aviation capabilities.

Sheard states many reasons supporting New Jersey's air transportation mission: New Jersey CD pilots typically fly 750 hours annually so they are very familiar with the airspace, which increases the likelihood for a successful operation; the uniqueness of NJ CD aviation is that they can launch aircraft quickly; an aircraft can be on station in less than three hours at night, usually 20 minutes during the day and anywhere in the state within one hour; one aircraft is always fully mission capable to respond within three hours.⁹⁷

⁹⁴ John Sheard, Major, New Jersey Counterdrug Coordinator, telephone interview by author, 13 April 2004.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ John Sheard, Major, New Jersey Counterdrug Coordinator, telephone interview by author, 13 April 2004.

3. Air and Ground Reconnaissance

The NG CD mission of Aerial and Surface Reconnaissance, as defined by NGR 500-2, consists of conducting observation by air, ground or water to spot illegal drug operations.⁹⁸ Aerial and surface reconnaissance is useful to both CD and HLS activities because this mission assists law enforcement with increasing situational awareness and targeting a suspected area. The California National Guard Counterdrug unit provides a good example to illustrate the reconnaissance mission. The C-26 aircraft and the OH-58 helicopter have special equipment to enhance night operations. In addition, the OH-58 has video equipment, which can record suspicious activities and the C-26 can take photographs, which can then be analyzed by interpreters and used by law enforcement in future operations.⁹⁹ The surface reconnaissance teams are trained in US Army Infantry skills, making them capable of surviving for extended periods and maneuvering in different types of terrain.¹⁰⁰ The teams conduct mobile patrols and man observation posts with special equipment, allowing them to operate at night, communicate with LEA's, and photograph suspicious activities.¹⁰¹

Some states provided specific examples of air and ground reconnaissance support to HLS. One state recommends "Special Operations support from specially equipped OH-58 helicopters, C-26 aircraft, and trained ground recon

⁹⁸ Departments of the Army and the Air Force, *National Guard Counterdrug Support*, 10.

⁹⁹ California National Guard Counterdrug Task Force, "OH-58A and UH-60G Helicopter Support," available from <http://www.calguard.ca.gov/cdtf/OH58A_UH60G/> and "C-26 Aviation Support," available from <<http://www.calguard.ca.gov/cdtf/C-26/>>; Internet; accessed 30 May 2004.

¹⁰⁰ California National Guard Counterdrug Task Force, "Ground Tactical Support," available from <<http://www.calguard.ca.gov/cdtf/groundSupport/>>; Internet; accessed 30 May 2004.

¹⁰¹ Ibid.

teams.”¹⁰² Other proposals include ground surveillance and air observation and reconnaissance (fixed and rotor wing) focusing on security of Mexican and Canadian borders including use of photograph interpretation and imagery.¹⁰³

4. Border Support

National Guard CD personnel are also assisting with cargo and mail inspections at the borders. They use MVACIS scans at Ports of Entry for vehicles and ion scans for explosives.¹⁰⁴ In addition, National Guard CD Canine Teams provide assistance with inspections by sniffing for bombs.¹⁰⁵ National Guard CD assistance with cargo and mail inspections can easily serve a dual-use capability of providing homeland security support by looking for drugs and terrorists simultaneously. However the Department of Defense is phasing the National Guard out of this mission by the end of Fiscal Year 2004.

5. Intelligence Analysis

National Guard CD units have trained and experienced intelligence analysts that can be used for HLS. The mission of Investigative Case and Analyst Support is focused on intelligence and information analysis. Specifically under this mission, NG CD members develop intelligence databases and assist law enforcement with analyzing intelligence and helping with investigations such

¹⁰² National Guard Counterdrug Coordinators, “Integration of the NG Counterdrug and Homeland Security Programs,” email survey by author, 6-25 February 2004.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

as “inputting, reviewing, and analyzing collected LEA information, and providing legal, paralegal, and auditing assistance.”¹⁰⁶ The same duties performed by CD intelligence analysts can also support HLS.

Counterdrug intelligence analysts are able to support counterterrorism efforts due to the link between drug trafficking and terrorism in the United States. This link has become more evident in recent years and can be shown in two different ways. First and foremost, terrorists can enter the country using the same routes that have been used by criminals to smuggle drugs and weapons.¹⁰⁷ While conducting normal duties analyzing intelligence for drug investigations, NG CD personnel are apt to run across information containing suspicious activities that may involve terrorists.

Second, illegal drug trafficking finances many terrorist activities. There is a small percentage of drugs sold in the US that support terrorism with a global reach. The DEA Assistant Administrator for Intelligence, Steven Casteel, points out evidence of narcoterrorism in the United States on September 9, 2001 when Columbia distributed and then DEA “seized 53 kilo[gram]s of Afghan heroin in New York.”¹⁰⁸ Raphael Perl, a Congressional Research Service Senior Policy Analyst for international terrorism and narcotics issues, states the following: “. . . money from the drug trade is increasingly important for terrorists, because state sponsorship is on the wane.”¹⁰⁹ Perl also states “. . .the U.S. homeland is now the preferred target, not only for drug traffickers, but also for terrorists.”¹¹⁰

¹⁰⁶ Departments of the Army and the Air Force, *National Guard Counterdrug Support*, 9.

¹⁰⁷ National Guard Bureau, *Counterdrug Link to Homeland Security*, 1.

¹⁰⁸ David A. Denny, “Terrorism, Drug Trafficking Inextricably Linked, U.S. Experts Say,” *Washington File*, 05 December 2001; available from <http://www.usembassy.it/file2001_12/alia/a1120508.htm>; Internet; accessed 21 May 04.

¹⁰⁹ *Ibid.*, 1.

¹¹⁰ *Ibid.*

The Department of Defense has already acknowledged the link between drug trafficking and terrorism and responded by issuing DOD Counternarcotics policy guidance supporting programs that aid the war on terrorism.¹¹¹ As evidence of this new policy, the mission statement for the Joint Task Force Six (JTF-6) was recently amended. This counterdrug task force is a federal organization that is part of U. S. Northern Command. Its mission before September 11, 2001 was as follows: "JTF-6 synchronizes and integrates Department of Defense operational, training and intelligence support to domestic law enforcement agency counter-drug efforts in the continental U. S. to reduce the availability of illegal drugs in the United States."¹¹² After the 9/11 attack, the JTF-6 mission had the following statement added to its mission: "and when so directed, provides operational, training, and intelligence support to domestic agencies' efforts in combating terrorism."¹¹³ It would seem logical that if the connection has already been made for CD task forces at the federal level, then the same amendment should be made for the NG CD units at the state level.

Some states have their intelligence officers attend terrorism intelligence meetings with organizations such as the FBI.¹¹⁴ One state even has the NG CD support program serving "as the executive agent for hiring, placing and supervising intel HLS intel analysts."¹¹⁵ Major General Lowenberg recommends that CD personnel should be a participant on the FBI Joint Terrorism Task Force

¹¹¹ Department of Defense, "Department of Defense Counternarcotics Mission Statement," available from <<http://www.defenselink.mil/policy/solic/cn/mission.html>>; Internet; accessed 30 May 2004.

¹¹² Katherine Peters, "Troops on the Beat," *Government Executive*, May 1, 2003, 1, [news article on-line]; available from <<http://www.jtfcs.northcom.mil/pressreleases/news050103.htm>>; Internet; accessed 30 May 2004.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

and the Joint Analytical Center in each state.¹¹⁶ As state authorities continue to develop their HLS plans, it is likely they will turn to the NG for support in a wider variety of areas than is currently envisioned by NORTHCOM or NGB.

The lack of intelligence analysts being devoted to HLS is damaging our efforts to prevent the next terrorist attack. During a time of constrained resources, DOD needs to do more with less and leverage all of its existing resources, including those of the NG, in the war against terrorism.

6. Linguist Support

New Jersey provides language translation for CD investigations. However, Sheard indicates that New Jersey CD personnel could potentially provide linguist support to the homeland defense effort.¹¹⁷ Since the war on terror involves many different countries that speak various languages, there is a growing need for language translation capabilities. Advantages of the NG CD linguists are as follows: CD personnel can transcribe tapes that have been obtained by a court order (Title three investigation) and a hard copy transcript can be produced to meet court requirements, if necessary.¹¹⁸ The requirement for the New Jersey National Guard is that there is at least a 3 second delay prior to NG personnel having access to the tape to be transcribed.¹¹⁹

¹¹⁶ Ibid., 13-14.

¹¹⁷ John Sheard, Major, New Jersey Counterdrug Coordinator, telephone interview by author, 13 April 2004.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

7. Interagency Coordination

A successful response to a terrorist incident, such as the one that occurred on September 11, 2001, requires strong relationships and an integrated effort from a variety of federal, state, and local agencies.¹²⁰ The CD mission of coordination, liaison, and management is primarily geared toward interagency coordination. Specifically, under this mission, NG CD members conduct mission planning and coordination of people and equipment and serve as a liaison with law enforcement agencies and community based agencies.¹²¹ The NG CD units have established relationships with LEA's that can directly contribute to interagency coordination in support of HLS.

The significance of interagency coordination is highlighted in the article titled *Lessons of the "War" on Drugs for the "War" on Terrorism*. In this article, Caulkins, Kleiman, and Reuter state "Counterdrug and counterterror efforts alike transcend jurisdictional and organizational boundaries, which makes coordination and organization of efforts important to their overall success."¹²²

After the horrific terrorist attacks on New York City and Washington, Major General Philip Oates, the Adjutant General of Alaska and the Governor of Alaska's representative for Homeland Security, provided input to a Report titled *Recommendations for State and Local Domestic Preparedness Planning A Year After 9-11* for the Executive Session on Domestic Preparedness of the John F. Kennedy School of Government. In this report, Oates recommends the NG CD Support Program serve as an "apt model for a small full-time organization that

¹²⁰ Smith. *A Changing of the Guard*, 5.

¹²¹ Departments of the Army and the Air Force, *National Guard Counterdrug Support*, 8.

¹²² Jonathan P. Caulkins, Mark A. R. Kleiman, and Peter Reuter, "Lessons of the 'War' on Drugs for the 'War' on Terrorism," Executive Session on Domestic Preparedness Discussion Paper ESDP-2002-05, (Cambridge, MA: John F. Kennedy School of Government, Harvard University, June 2002), 14.

could significantly improve interagency capabilities for homeland security.”¹²³ A CD Coordinator recommends the following:

The Counterdrug Coordinator must be very proactive and engaged with the various agencies. Very effective in those areas where the CDC has well integrated his assets in the law enforcement community.¹²⁴

In accordance with a Governor's State Plan, National Guard personnel and equipment could provide daily support to federal law enforcement agencies that are assisting in the fight against terrorism, such as FEMA, FBI,¹²⁵ and DEA. In addition, National Guard resources could assist state and local agencies such as the State Police, U. S. Attorney's Anti-Terrorism Advisory Council, US Postal Service, and Department of Criminal Justice. National Guard CD personnel have extensive experience in coordinating operations with other agencies and can assist law enforcement agencies as a liaison officer. In this capacity, they can help LEA's plan, exercise, and execute operations. By assisting LEA's with HLS operations, NG CD personnel can increase situational awareness for the NG Joint Force Headquarters at the state level, the headquarters at National Guard Bureau, and NORTHCOM to assist with prevention efforts. According to a survey respondent,

I believe the most obvious opportunity is interagency coordination. We have an established net work in place and already have the respect of all of the LEA's [with which] we work.¹²⁶

¹²³ Phillip Oates, "Beyond the Beltway: Focusing on Homeland Security Recommendations for State and Local Domestic Planning A Year After 9-11," Executive Session on Domestic Preparedness Report, (Cambridge, MA: John F. Kennedy School of Government, Harvard University, September 2002), 34.

¹²⁴ National Guard Counterdrug Coordinators, "Integration of the NG Counterdrug and Homeland Security Programs," email survey by author, 6-25 February 2004.

¹²⁵ Phillip Oates, "Beyond the Beltway: Focusing on Homeland Security Recommendations for State and Local Domestic Planning A Year After 9-11," 34.

¹²⁶ National Guard Counterdrug Coordinators, "Integration of the NG Counterdrug and Homeland Security Programs," email survey by author, 6-25 February 2004.

C. WEST VIRGINIA CASE STUDY

The West Virginia CD Support Program provides a good example of how National Guard CD assets can provide support to the homeland security and homeland defense effort. It is a comprehensive program that covers many important areas, such as intelligence analysis, communications, critical infrastructure protection, language translation, training, support at national security events, and dual-use capabilities for HLS and the overseas warfight. It is important because it was a plan devised by the Adjutant General at the request of the State Governor. Since many governors have called on their Adjutant Generals to head HLS programs, it is likely that they will come up with programs similar to those developed in West Virginia. The West Virginia National Guard has been involved in homeland defense activities since 1997.¹²⁷

The Adjutant General had the vision to develop a homeland defense program back then. We now have a framework to operate from.¹²⁸

Developing a robust HLS and HD program was important to West Virginia for several reasons. According to LTC James Hoyer, Counterdrug Coordinator for West Virginia, the state is a potential terrorist target and staging area because it is a drug shipment and distribution center and it is one of four major chemical manufacturing centers.¹²⁹ Also, LTC Hoyer notes “West Virginia is located within an eight hour drive of 70 percent of the east coast.”¹³⁰

¹²⁷ James Hoyer, Lieutenant Colonel, West Virginia Counterdrug Coordinator, telephone interview by author, 13 April 2004.

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Ibid.

1. Intelligence

On September 11, 2001, the Adjutant General of the West Virginia National Guard, Major General Allen E. Tackett tasked soldiers from the CD Support Program to participate in an ad hoc Intelligence Fusion Center managed by the State Police and the U. S. Attorney's Anti-Terrorism Advisory Council.¹³¹ Other representatives of the Intelligence Fusion Center include Drug Enforcement Administration and the FBI Joint Terrorism Task Force. National Guard Counterdrug Intelligence Analysts began expanding the information that they tracked.¹³² This decision marked a groundbreaking direction for the WV CD program. Before September 11th, the focus was on tracking drug trafficking information. When they moved to the intelligence fusion center, the CD Intelligence Analysts incorporated suspicious activity reports as part of their duties. For the first time in West Virginia, drug threat and terrorist threat tracking are combined.¹³³ The Intelligence Fusion Center has operated continuously since September 11th and has evolved into a formal facility.¹³⁴

West Virginia wanted to train its personnel to a high standard so they chose to work with the Defense Threat Reduction Agency (DTRA), which is one of the leading agencies in the field. When conducting threat and vulnerability assessments for homeland security, the NG CD intelligence analysts use the Homeland Security Comprehensive Assessment Model developed from DTRA training and support.¹³⁵ All of the agencies that are participating in the

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

intelligence fusion center provide information that is entered into Geographical Information System (GIS) software.¹³⁶ GIS is a digital mapping program that combines many different pieces of information from different databases to graphically display the information you need. Specifically, analysts use GIS to assist in comparing drug and terrorist tracking information with critical infrastructure sites in West Virginia to determine if there are any patterns.¹³⁷

2. Critical Infrastructure Protection

The CD ground reconnaissance teams in West Virginia have been cross-trained by DTRA to perform threat and vulnerability assessments as well as training for terrorism awareness and on “. . . countermeasures and random anti-terrorism measure as part of a prevention and deterrence (anti-terrorism program for Critical infrastructure and special events).”¹³⁸

3. Training

West Virginia is the ideal state for an integrated CD-HLS program because of its robust training programs and facilities. The WV NG has established terrorist awareness programs and provides instruction to critical infrastructure sites within the state.¹³⁹ This training consists of defining terrorism and identifying potential indicators people are likely to see prior to an event.¹⁴⁰

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

West Virginia is focused on prevention of terrorist attacks. According to DTRA, ninety percent of the terrorist event cycle is surveillance or planning to carry out the attack.¹⁴¹ He adds “If you learn how to spot threat indicators and you have an intelligence fusion center in place with the ability to dispatch law enforcement, then there is a greater chance for prevention.”¹⁴²

Training in West Virginia also consists of providing instruction on random anti-terrorism countermeasures and conducting vehicle inspections for the various CIP sites located throughout the state.¹⁴³ West Virginia has a regional training institute at Camp Dawson with the capability to train military and civilian organizations on homeland security. The state also has a tunnel complex, which has training ranges including a subway, a highway tunnel scenario, and a post-blast rubble scenario. LTC Hoyer highlights that the Memorial Tunnel is an ideal location to train on how to go through rubble after a building collapse and how to operate in a confined space.¹⁴⁴

4. Support at National Security Events

West Virginia shares its resources out of state. Currently its ground reconnaissance teams are supporting NORTHCOM on three national security special events.¹⁴⁵ Also, the West Virginia CD C-26 is scheduled to be used in

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

Georgia to assist with communications support and command and control assistance during the upcoming G-8 summit.¹⁴⁶

5. Capabilities for HLS and Overseas Warfight

Major General Tackett's focus is on developing dual-use capabilities and facilities to support agencies by providing for homeland defense of the United States and providing support to combatant commanders in other theaters.¹⁴⁷ Not only is it important to build capabilities for HLS, but NG forces must also maintain relevancy for the overseas warfight. LTC Hoyer explains the dual-use capability by the following example. WV National Guard CD personnel can conduct vulnerability assessments within CONUS by supporting NORTHCOM and the states.¹⁴⁸ In addition, since the WV NG is trained and certified to the DTRA standard, they can augment DTRA in CONUS or OCONUS.¹⁴⁹

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

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IV. POLICY RECOMMENDATIONS

We could assume HS missions today with appropriate funding and lifting of legal restrictions.¹⁵⁰

—National Guard State Counterdrug Coordinator, “Integration of the NG Counterdrug and Homeland Security Programs”

Authorizing NG CD forces to perform HLS duties will provide the NG with an experienced HLS force that is able to respond quickly and efficiently. NG CD capabilities, which are currently called upon only to play a role in consequence management, can be more fully leveraged if given the mission to prevent future terrorist attacks. This chapter presents a proposal for an integrated CD-HLS program, which includes a description of the program and a comparison of alternatives. In addition, the challenges of integrating CD into HLS are described and solutions are recommended.

A. PROPOSAL FOR INTEGRATED CD-HLS PROGRAM

The proposal for an integrated program is as follows: First, make National Guard Counterdrug personnel dual-use for HLS. Second, although it will vary by state, add some HLS missions to the existing NG CD Support Program. Third, have some dedicated HLS personnel outside of (and above) the dual tasked CD unit in order for the National Guard to perform the HLS activities of the CD unit, the WMD-CSTs, the Rapid Reaction Force and the FSIVA team. In this way, the Governor will have the flexibility to use all of the NG assets within his state as needed, based on the current terrorist threat level and the drug situation. This is

¹⁵⁰ National Guard Counterdrug Coordinators, “Integration of the NG Counterdrug and Homeland Security Programs,” email survey by author, 6-25 February 2004.

an ideal solution because some states need more focus on HLS while others need to maintain a robust counterdrug program. There will always be a core NG element to respond to HLS efforts, including prevention. Each Governor would develop a unique CD-HLS State Plan with the law enforcement and community based organizations within the state as well as appropriate federal LEA's, such as the FBI. The integrated state plans process would be identical to the CD State Plans process in existence today, where the plans are forwarded to National Guard Bureau for review and the Department of Defense for approval.

1. HLS Missions for CD Units

National Guard Counterdrug personnel and equipment can be applied to the HLS mission in many ways. There are two NG Force Capability Packages designed to respond to HLS needs where CD assets can contribute. First, CD can make up part of a NG Reaction Force. The Chief of National Guard Bureau asked all states to develop a NG Reaction Force (NGB Info Paper) capable of quickly assisting local, state, and Federal agencies in response to an incident. The requirement for the NG Reaction Force is a small company-size initial response within four hours and a follow-on Battalion-minus size response within four to twenty-four hours (citation). One CD Coordinator responded that their state's CD assets will provide the initial response capability within 72 hours.¹⁵¹ In some states, National Guard CD assets can respond to an incident quickly providing the first military response while the state activates additional NG forces as the follow-on or sustainment part of the reaction force.¹⁵² However, other states don't have enough CD personnel to meet this requirement. New Jersey

¹⁵¹ National Guard Counterdrug Coordinators, "Integration of the NG Counterdrug and Homeland Security Programs," email survey by author, 6-25 February 2004.

¹⁵² James Hoyer, Lieutenant Colonel, West Virginia Counterdrug Coordinator, telephone interview by author, 13 April 2004.

has a plan for a reaction force but the CD force is not large enough.¹⁵³ A company, required for the initial rapid response varies by state but is usually a force of approximately 100-150 people. In contrast, an average CD unit has only about 30 members.¹⁵⁴

Second, CD units can assist with the Full Spectrum Integrated Vulnerability Assessment (FSIVA). Before personnel are deployed to guard critical infrastructure, assessments of key assets in each state need to be conducted to determine vulnerabilities and if necessary, develop a plan to reduce the vulnerability. National Guard CD personnel are a logical choice for this mission because they not only have vast experience in planning and coordinating operations with civilian agencies, but also have the intelligence and reconnaissance personnel necessary for developing the threat assessment. Twelve CD personnel make up the entire FSIVA prototype team in WV and they are all trained to both the FSIVA and DTRA standard so there can be a dual use capability.¹⁵⁵ In West Virginia, National Guard Bureau reimburses the CD account for the cost of training and conducting the FSIVA mission.¹⁵⁶

National Guard CD units can assist with interagency coordination, intelligence analysis, and air and ground reconnaissance. For interagency coordination, NG CD personnel already work on a daily basis in many state law enforcement agencies to coordinate CD activities. Their mission could easily be expanded to include liaison duties such as assisting LEA's with planning and exercising HLS operations, providing communications support, and most importantly, increasing situational awareness of NG activities for the state Joint

¹⁵³ John Sheard, Major, New Jersey Counterdrug Coordinator, telephone interview by author, 13 April 2004.

¹⁵⁴ Oates, *The Role of the National Guard*, 6.

¹⁵⁵ James Hoyer, Lieutenant Colonel, West Virginia Counterdrug Coordinator, telephone interview by author, 13 April 2004.

¹⁵⁶ *Ibid.*

Force Headquarters, the National Guard Bureau, and Northern Command. In addition, a unique capability of the National Guard is its valuable contribution to intelligence analysis. Counterdrug personnel have trained intelligence analysts that could expand their responsibilities to include conducting analysis of both CD and HLS intelligence. National Guard CD units are highly qualified to make this contribution due to their strong relationships with local law enforcement agencies and past experience with analyzing information in the Counterdrug effort. Finally, NG CD personnel have extensive training and specialized equipment for conducting observation missions, from the ground and air, of a specific area or target. Right now the target is solely on personnel conducting illegal drug activities but it is feasible to expand the target to include terrorist activities as well.

There are additional missions where NG CD personnel and equipment can provide HLS support. National Guard CD schools can be used to teach LEA's involved in Counterterrorism activities. Air and Ground CD assets can be used to transport first responders to an incident. Counterdrug personnel can assist with border security by providing cargo/mail inspection where they search for drugs and terrorists simultaneously. Linguists can provide language translation. West Virginia provides an example of a comprehensive CD-HLS integrated program where CD intelligence analysts track suspicious activities in addition to drug trafficking and CD ground reconnaissance teams have been cross-trained to conduct vulnerability assessments for critical infrastructure. There are a wide variety of CD capabilities that can be applied to HLS. The actual CD-HLS dual tasking for each state will vary depending on the individual state needs.

2. Rationale for an Integrated CD-HLS Program

As stated in Chapter II, the National Guard should conduct the homeland security mission in a Title 32 status. Currently, the only forces that are

authorized to perform duties in Title 32 status are the National Guard WMD-CST's and the CD units. One option for an enhanced HLS role for the NG is to increase, or even change, the mission of the WMD-CST's. However, National Guard CD missions and skill sets overlap more with the HLS prevention missions that still need to be addressed such as threat assessments by FSIVA teams, providing intelligence analysis, and supporting law enforcement.

Since Posse Comitatus is not a limitation for the entire National Guard, another option to enhance HLS is to create a new HLS taskforce based on the CD model. This would entail utilizing a Governor's State Plan and procuring specialized equipment rather than trying to integrate CD and HLS. In this option, NG CD units would remain a separate entity and lend support to the HLS effort only when necessary. For this concept to be implemented, a new full-time force structure would have to be created, which would have to be funded, equipped, and trained. During this time of constrained resources and record-level deployments overseas, it makes more sense to leverage existing resources for the protection of America's homeland. National Guard CD units already exist in every state and territory. They are highly trained for missions applicable to HLS and have specialized equipment that can contribute to the HLS effort. The personnel are full-time and fall under the control of the Adjutant General providing maximum flexibility. Therefore, making NG CD units dual-use for HLS is the only viable option for an enhanced NG HLS role.

B. CHALLENGES OF INTEGRATION

There are three challenges involved with CD-HLS integration. Whenever a new program is added, additional funding and personnel will be required. In addition, there is a legal challenge since the law currently requires a drug nexus for all NG CD missions.

1. Lack of Funding

There are currently two significant funding challenges to creating an integrated CD-HLS program. First, funding for the CD program is not sufficient to carry out additional homeland security support activities. The NG CD Support Program currently operates within a flat funding system, receiving a set amount of money every year for NG Counterdrug State Plans. Every time there is a pay raise or cost of living increase, the CD program loses people.

One CD Coordinator estimated that to do both CD and HD missions would require “approximately an 80-100% increase in funding.”¹⁵⁷ According to another CD coordinator,

When ASD-CN [Assistant Secretary of Defense for Counter-Narcotics] Mr. Hollis came to our State he indicated that his definition of Counterdrug activities includes HLS activities as well. He indicated that those states that are actively integrating the two would get additional funding. This did not happen, in fact our budget was still reduced by \$50k.¹⁵⁸

Second, centralized funding for CD activities may disappear if CD is integrated into HLS. According to John Sheard, it is important to keep funding dedicated to the CD mission.¹⁵⁹ Sheard points out “Three thousand people died in the World Trade Center Attack on September 11th but 15,000 people die annually in the drug war.”¹⁶⁰ Another CD Coordinator highlights the funding dilemma: “Do I take personnel from their drug missions and move them into HLS

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ John Sheard, Major, New Jersey Counterdrug Coordinator, telephone interview by author, 13 April 2004.

¹⁶⁰ Ibid.

type missions in the hopes I may get additional funding to backfill those drug missions I have been supporting?”¹⁶¹

2. Lack of Personnel

Integration of CD into HLS would be a smooth transition for the National Guard because the types of personnel, equipment and training are routinely the same for the CD and the HLS missions. “After we receive stabilized funding then we can expand the amount of personnel, equipment, and training.”¹⁶² Counterdrug Coordinators indicate “Personnel skills can transfer between drug nexus and HLS missions easily.”¹⁶³

However, survey responses indicate two personnel challenges. First, there may be a requirement for additional personnel from the following specialty areas: intelligence analysis, linguist support, surface/aerial reconnaissance, communication, engineering, prevention and deterrence programs such as terrorism awareness training, administrative support, supply, pilots, aviation mechanics, public affairs, canine handlers, and vulnerability assessment.¹⁶⁴ In addition, “Linguist support activities require a new list of target languages and training in the idiomatic nuances of the terror community.”¹⁶⁵

¹⁶¹ National Guard Counterdrug Coordinators, “Integration of the NG Counterdrug and Homeland Security Programs,” email survey by author, 6-25 February 2004.

¹⁶² James Hoyer, Lieutenant Colonel, West Virginia Counterdrug Coordinator, telephone interview by author, 13 April 2004.

¹⁶³ National Guard Counterdrug Coordinators, “Integration of the NG Counterdrug and Homeland Security Programs,” email survey by author, 6-25 February 2004.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

Second, another personnel challenge is deployments of CD personnel. There are more NG soldiers deployed today than any other time in history. According to an April 2004 GAO report, almost half of the personnel in the National Guard have been filling new HLS positions to assist in the War on Terrorism and to support missions overseas, since September 11.¹⁶⁶ Therefore, states don't have time to move in this new direction. A respondent highlights these concerns with the following statement: "There's just too much going on right now with the mobilization and deployment of the force, as well as ambiguity and uncertainty regarding the requirements for Guard support to HD."¹⁶⁷

Members of NG CD Support Program are Active Duty Special Work Counterdrug (ADSW-CD). They work in NG CD positions full time during the week and then on weekends they are part of a wartime unit. When NG CD soldiers are deployed, with their wartime unit, to assist the War on Terrorism, there are insufficient people remaining to do the CD mission.¹⁶⁸ According to New Jersey's Counterdrug Coordinator, Major John Sheard,

It takes one year to train CD personnel to support law enforcement. After you train the CD personnel to do the HD mission, if they are deployed overseas for the warfight, then you lose them. Deployments are killing us. How do you backfill?¹⁶⁹

¹⁶⁶ General Accounting Office, *Reserve Forces - Observations on Recent National Guard Use in Overseas and Homeland Missions and Future Challenges* (Washington, D.C.: U.S. General Accounting Office, April 29, 2004) [Report on-line]; available from <http://www.gao.gov/new.items/d04670t.pdf>; Internet; accessed 30 May 2004.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ John Sheard, Major, New Jersey Counterdrug Coordinator, telephone interview by author, 13 April 2004.

3. Legal Restrictions

Many states have not integrated because the legislation establishing the National Guard Counterdrug Support Program (Section 112 of US Code Title 32) states that NG CD personnel and equipment will be used only “for the purpose of drug interdiction and counter-drug activities.”¹⁷⁰ Survey responses indicate “The only real way to legally integrate CD into HLS is to have a change in our federal legislation. . . .”¹⁷¹ According to many CD coordinators, legal restrictions are a large factor preventing CD-HLS integration.¹⁷² Many non-integrated states indicated that they did not pursue the option of integrating CD into HLS because of the “fear of improper use of counterdrug funds and personnel.”¹⁷³

The National Guard Bureau has provided guidance to the states not to integrate CD activities into HLS until the National Guard receives specific Congressional authorization for this new direction. Currently, Congress earmarks CD funds for the NG to assist law enforcement agencies in the War on Drugs. A concern expressed by the CD Coordinators is as follows: If CD is integrated into HLS without implementing strict funding controls, then CD funds might be “watered down.”¹⁷⁴ As one CD Coordinator articulates, the challenge is

¹⁷⁰ U.S. Code Online, “Sec. 112, Drug Interdiction and Counter-drug Activities,” available from <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+32USC112>; Internet; accessed 3 June 2004.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ National Guard Counterdrug Coordinators, “Integration of the NG Counterdrug and Homeland Security Programs,” email survey by author, 6-25 February 2004.

“how to retain our program, identity, and funding while simultaneously offering valuable and unique counterdrug assets to assist homeland security.”¹⁷⁵

C. SOLUTIONS TO MEET CHALLENGES

1. Stabilized and Fenced Funding with Cross-Leveling

According to LTC Hoyer, WV has worked around the funding challenge well.¹⁷⁶ The state receives funding for homeland defense missions and when CD assets are used for a HD mission, HD funding reimburses the CD account.¹⁷⁷ In addition, WV has a separate travel account for HD missions.¹⁷⁸ To solve the monetary challenge involving CD-HLS integration, funding needs to be stabilized for a set number of personnel to allow for promotions and pay increases. In addition, in order to prevent the CD mission from being usurped by HLS requirements, CD and HLS each need to receive a fenced amount of funds and the ability to cross-level funding from one account to another up to a designated threshold. Whenever CD personnel or equipment are used for HLS, the HLS money can reimburse the CD account.

¹⁷⁵ Ibid.

¹⁷⁶ James Hoyer, Lieutenant Colonel, West Virginia Counterdrug Coordinator, telephone interview by author, 13 April 2004.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

2. Additional Personnel and Core Staffing

As stated earlier, many of the personnel skills can easily transfer from CD to HLS. When implementing the CD-HLS integration plan, additional personnel would need to be hired who will be dual-use. The following specialty areas may be required: intelligence analysis, linguist support, surface/aerial reconnaissance, communication, engineering, prevention and deterrence programs such as terrorism awareness training, administrative support, supply, pilots, aviation mechanics, public affairs, canine handlers, and vulnerability assessment.¹⁷⁹ In addition, as stated by LTC Hoyer, to assist with the lack of personnel due to deployments, “a certain level of core staffing that is dedicated to the homeland defense mission” would need to be established.¹⁸⁰ The core staffing would need to be composed of some NG CD dual tasked personnel and some NG HLS personnel in order to perform the HLS activities of the CD unit, the WMD-CSTs, the Rapid Reaction Force and the FSIVA team. An added benefit under the integrated program is that more people will be working the counterdrug issue than currently and providing a two-for-one deal since they will be assisting with both counterdrug and HLS activities.

3. Congressional Amendment

Congressional modification of Title 32 legislation governing NG activities in state status is needed to authorize performance of HLS missions by NG CD assets. According to West Virginia CD Coordinator, LTC James Hoyer, Major General Tackett is requesting Congress consider expanding sections 112 and

¹⁷⁹ Ibid.

¹⁸⁰ James Hoyer, Lieutenant Colonel, West Virginia Counterdrug Coordinator, telephone interview by author, 13 April 2004.

502f of the Title 32 language authorizing homeland defense activities for the National Guard with counterdrug as a subset.¹⁸¹ “This would allow the Adjutant General to use his National Guard forces and funding as he sees fit since the threat level is different in each state.”¹⁸² According to John Sheard, the language needs to be changed from detect and deter anything harmful to the United States for counternarcotics to detect and deter anything harmful to the United States for narcoterrorism.¹⁸³ Counterdrug needs to be part of the homeland defense effort. In addition, the Congressional language needs to say the Secretary of Defense “shall” fund the program instead of “may.”¹⁸⁴

One respondent suggests “Changing the language from drug nexus to a more multi-threat mission encompassing drugs, terrorism, WMD, and other unforeseen needs for the future (when the drug nexus was drafted, there was not a need to address, at that time, expanding the mission support).”¹⁸⁵ Some states have sought a more lenient interpretation in the regulatory guidance as an interim measure.¹⁸⁶

The good news is that our controlling regulation (NGR500-2) provides for exceptions during emergencies. In those situations we can legally use CD assets and then seek proper reimbursement to

¹⁸¹ James Hoyer, Lieutenant Colonel, West Virginia Counterdrug Coordinator, telephone interview by author, 13 April 2004.

¹⁸² Ibid.

¹⁸³ John Sheard, Major, New Jersey Counterdrug Coordinator, telephone interview by author, 13 April 2004.

¹⁸⁴ James Hoyer, Lieutenant Colonel, West Virginia Counterdrug Coordinator, telephone interview by author, 13 April 2004.

¹⁸⁵ National Guard Counterdrug Coordinators, “Integration of the NG Counterdrug and Homeland Security Programs,” email survey by author, 6-25 February 2004.

¹⁸⁶ Ibid.

CD funding streams; this way we do not violate the Purpose Act for those CD funds.¹⁸⁷

¹⁸⁷ Ibid.

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V. CONCLUSION

The connection between international drug operations and international terrorism is becoming increasingly well documented. The Adjutant Generals Association of the United States therefore believes there is an obvious overlap between National Guard counter-drug operations and potential Guard counter-terrorism operations. The Defense Science Board's Volume II report will strongly concur with this assessment and with the recommended assignment of Guard intelligence analysts to FBI Joint Terrorism Task Forces (JTTFs), newly formed state and federal intelligence fusion centers, and similar operations which fall within the core military competencies and DMOSQ and AFSC functions of the assigned Guard personnel. Such integration could also be a valuable situational awareness tool for NORTHCOM. For these reasons, the Defense Science Board will recommend in its Volume II report that serious consideration be given to transforming the National Guard Counter-Drug program into a single, integrated National Guard Counter-Drug/Counter-Terrorism program.¹⁸⁸

—Major General Tim Lowenberg, Chair of Homeland Security for the Adjutants General Association of the United States, *Transforming the National Guard: Resourcing for Readiness*

National Guard CD resources should be made dual-use for HLS activities leveraging existing resources to provide a responsive and cost effective HLS solution. If CD personnel are made dual-use and additional missions are added to the CD mission, the Governor will have the flexibility of having highly trained and equipped soldiers that can be utilized for HLS according to the needs of the state and the current threat level. Given the current level of deployments overseas and the likelihood of limited funding, the NG should seek to create dual use teams to the extent possible. This chapter will present a summary of key

¹⁸⁸ Congress, House of Representatives, Government Reform Committee, *Transforming the National Guard; Resourcing for Readiness*, Testimony by Major General Tim Lowenberg, 108th Cong., 2d sess., April 29, 2004, 16-17 [Transcript on-line], available from <<http://reform.house.gov/UploadedFiles/Washington%20-%20Lowenberg.pdf>>; Internet; accessed on 30 May 2004.

findings from the case study and survey responses from NG CD Coordinators. It will also include recommendations for CD-HLS integration and considerations for future study.

A. SUMMARY OF KEY FINDINGS

This thesis is a comprehensive effort towards answering the following research question: How can existing capabilities in the CD Support Program be leveraged for use in HLS missions? What are the implications of this for how a NG HLS Support Program should be organized?

The National Guard played a significant domestic role before 9/11 in responding to state emergencies, WMD incidents and supporting LEA's in drug control efforts. After 9/11, Congress, DOD and the National Guard have leveraged their state emergency and WMD capabilities in order to provide an enhanced response to terrorist attacks. In addition, NG Reaction Forces are being developed to provide a quick response to a terrorist attack. The National Guard has not decided who will make up these forces.

In this new security environment, the National Guard needs to focus more on leveraging three existing CD capabilities for the prevention of terrorist attacks. First, FSIVA teams can conduct vulnerability assessments, create crisis response plans for critical infrastructure protection and teach civilian organizations about protection measures. The National Guard has not decided who will make up these teams. Second, National Guard personnel can participate in state intelligence fusion centers passing intelligence analysis to new NG intelligence staff as well as NORTHCOM, NGB, and DOD. Third, NORTHCOM requires interagency coordination to provide a synergistic multi-agency effort to HLS. To assist with interagency coordination, NORTHCOM requires embedding DOD resources within the response plans of civilian agencies. Except for counterdrug issues, the NG does not currently provide for interagency coordination with law enforcement agencies.

A survey was sent to the NG CD Coordinators in every state and territory to determine potential add-on HLS missions. Some of the proposals are as follows: develop an execution plan for LEA's to use NG CD aviation assets, teach Law Enforcement Agencies involved in Counterterrorism as well as Counterdrug activities at the five NG CD schools, provide special operations aviation and ground support, conduct surveillance of Mexican and Canadian borders for suspicious terrorist activity, and conduct cargo and mail inspections at the borders scanning for drugs and terrorists.¹⁸⁹ Several states found many similarities between duties associated with the CD and HLS missions.

An already established integrated program in West Virginia provided a suitable model for conducting a case study to determine additional missions to supplement the NG CD Support Program in other states. West Virginia has developed a comprehensive integrated CD-HLS program where soldiers participate in an Intelligence Fusion Center tracking both drug trafficking and suspicious activities. Also, in West Virginia, CD ground reconnaissance teams have been cross-trained to assist with the FSIVA mission for the protection of critical infrastructure and also to teach terrorism awareness training programs. The West Virginia CD-HLS vulnerability assessment capability is not only dual-use for HLS but can also be used by combatant commanders in other theaters.

Challenges of CD-HLS integration were then explored in the areas of funding, personnel, and legal restrictions. First, there are two funding challenges. The states lack stabilized funding for CD activities. The NG CD Support Program currently operates within a flat funding system that is insufficient for additional HLS tasks. Also, centralized funding for CD activities may disappear if CD is integrated into HLS. Second, there are two personnel challenges. There may be a requirement for additional personnel from some specialty areas. In addition, there are more NG soldiers deployed today than ever before. Third, Congress established the National Guard Counterdrug

¹⁸⁹ National Guard Counterdrug Coordinators, "Integration of the NG Counterdrug and Homeland Security Programs," email survey by author, 6-25 February 2004.

Support Program in Section 112 of US Code Title 32, which states that NG CD personnel and equipment will be used “for the purpose of drug interdiction and counter-drug activities.”¹⁹⁰ The law would need to be amended to authorize CD units to perform HLS missions.

B. RECOMMENDATIONS FOR CD-HLS INTEGRATION

In order to make CD-HLS integration successful, there are two recommendations for the National Guard. First, a CD-HLS integrated program needs to receive dedicated funding for a set number of people. The CD Support Program currently receives annual funding from the President’s budget and Congressional appropriations. This money pays for salaries of CD personnel and maintaining CD equipment. The number of people participating in the NG CD Support Program can vary from year to year since it is dependent on annual Congressional appropriations and the Department of Defense does not budget for pay raises. In order to solve the challenge of having decreased growth in real dollars for the integrated program, funding for National Guard Counterdrug activities should be stabilized for a specific number of people. In addition, to keep the CD program unique and to respond to the needs of the states and Congress, CD and HLS should each receive a fenced amount of funding with the ability to cross-level funding from CD to HLS up to a designated threshold. In this way, when CD assets are used for HLS missions, the CD account will be reimbursed with HLS funds.

Second, Congressional language should be amended and National Guard Regulation 500-2 should be expanded authorizing NG CD personnel to conduct HLS missions. National Guard counterdrug personnel are already trained in military support to civil authorities and have established relationships with law enforcement agencies. Dual-use of National Guard personnel and equipment

¹⁹⁰ U.S. Code Online, “Sec. 112, Drug Interdiction and Counter-drug Activities,” available from <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+32USC112>; Internet; accessed 3 June 2004.

would result in a consolidated, cost-effective capability, which is a great benefit during a time of limited resources.¹⁹¹

C. CONSIDERATIONS FOR FUTURE STUDY

There are two considerations for future study of CD-HLS integration. First, the requirements of homeland security for the National Guard need to be determined. Three and a half years after the shocking terrorist events in New York City and Washington, DC, the requirements for how the National Guard should adapt to meet this new threat remain unclear. The Army has not changed its force structure to meet the new domestic terrorist threat.¹⁹² In fact, the Army is still optimized to fight two wars in two different theaters overseas based on a belief that this capability will also enable the force to be successful assisting civilian authorities respond to a major terrorist event within the United States.¹⁹³

The National Guard has consolidated its headquarters, both at the state and national levels, and is creating additional WMD-CSTs. The National Guard also has efforts underway to create three additional force capability packages: Reaction Force, CBRNE Enhanced Response Force (CERF), and Full Spectrum Integrated Vulnerability Assessment (FSIVA) teams. National Guard CD personnel can support homeland security efforts by providing capabilities for the Reaction Force and FSIVA teams and assisting with missions of interagency coordination, intelligence analysis and aerial and surface reconnaissance, among others. However, until the actual HLS requirements are determined, to include

¹⁹¹ National Guard Bureau, *Counterdrug and Homeland Security*, 1.

¹⁹² Colin Robinson, *Homeland Security Requirements and the Future Shape of the Army National Guard*, 1.

¹⁹³ Ibid.

roles and mission of the National Guard, it is difficult to know where exactly to focus CD resources.

Second, the National Guard performs a dual-role of supporting civilian authorities domestically and acting as a reserve for the Active Army and Air Force in the warfight overseas. The balance between these two missions needs to be determined. Since the 1940's, the National Guard has been designed to perform its overseas combat role.¹⁹⁴ However, since September 11, 2001, homeland security has become a more immediate and serious concern. There is considerable debate, within the Pentagon and Congress, as to whether the NG should shift its balance and focus more heavily to its domestic security mission. As previously stated, NG CD support personnel are full-time, in ADSW status, during the week and then support their wartime units, in traditional status, on the weekends. The National Guard has deployed more soldiers today than anytime in its history. The balance of the National Guard between its domestic and overseas mission impacts CD-HLS integration because CD personnel can be deployed with their wartime unit leaving a shortfall in the CD-HLS program.

¹⁹⁴ Ibid.

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